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# U.S. Regional Fishery Management Councils

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SUMMARY

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# U.S. Regional Fishery Management Councils

Eight U.S. Regional Fishery Management Councils (FMCs) jointly manage federal marine fisheries (i.e., those occurring in waters up to 200 nautical miles offshore beyond state or territorial waters) with the National Oceanic and Atmospheric Administration (NOAA). The Magnuson-Stevens Fishery Conservation and Management Act (MSA; P.L. 94-265) established the FMCs, their roles, and their responsibilities. Congress comprehensively modified FMC roles and responsibilities twice, when MSA was amended in 1996 (P.L. 104-297) and 2006 (P.L. 109-479). These MSA amendments, together with FMC-specific decisions and emerging priorities, have led to changes in FMCs' organization, focus, and requirements, including their partnership with NOAA. In recent years, FMCs and NOAA have implemented management actions that consider the interactions of fisheries with other components of the ecosystem.

MSA prescribes certain FMC procedures and functions within their respective regions, including FMC structure and composition, and for the national Council Coordination Committee, which consists primarily of the leadership from each of the eight FMCs. FMCs comprise voting and nonvoting members who represent the interests of commercial and recreational fishing sectors, federal and state agencies, and additional sectors. FMC voting members include representatives from NOAA and state fishery management agencies, in addition to appointed members from fishing and other sectors. A chair, elected from the voting membership of a given FMC, is responsible for that FMC's business transactions. An appointed executive director and other full- and part-time employees perform administrative duties in furtherance of the FMC's functions. Additionally, each FMC includes a Scientific and Statistical Committee that provides scientific advice for fisheries management decisions. Each FMC also may establish additional committees and advisory panels.

One of the FMCs' primary responsibilities is the "preparation, monitoring, and revision" of fishery management plans (FMPs) in accordance with 10 national standards for fishery conservation and management established in MSA. FMCs develop these FMPs and jointly implement them with NOAA, with participation and advice from the states, the fishing industry, consumer and environmental organizations, and other stakeholders regarding the plans' "establishment and administration." Furthermore, as established in MSA, the FMPs include multiple required and discretionary components, such as conservation and management measures, as well as harvest limits in consideration of optimum yield (i.e., sustainable harvest that will provide the greatest overall benefit to the United States, particularly with respect to food production, recreational opportunities, and marine ecosystem protections). Other components may include descriptions and identification of essential fish habitat (EFH) and criteria for overfishing and overfished conditions (i.e., a rate or level of harvest or population status that jeopardizes a fishery's capacity to remain sustainable). The FMPs contain management provisions, such as the establishment of limited access systems or limited access privilege programs. FMPs are reviewed and approved at the Secretary of Commerce's discretion.

Together with NOAA, FMCs implement FMPs in their respective jurisdictions to prevent overfishing, rebuild overfished stocks, identify and protect EFH, and comanage federal fisheries as specified in MSA. FMCs and NOAA primarily manage fisheries through the development and enforcement of annual catch limits (i.e., the maximum level of total harvest to ensure overfishing does not occur). To rebuild fisheries that at one time have been classified as overfished, FMCs work with NOAA through development and implementation of fishery-specific rebuilding plans. Further, FMCs and NOAA together work to protect the EFH of managed fishery species.

The FMCs, and fisheries management in general, are of continued interest to Congress. Topics that have received congressional attention in recent years include the impacts of climate and environmental stressors on fisheries, the ecological consequences of overfishing on marine biodiversity, and concerns about the economic impacts of conservation and management actions on fishing communities. Additionally, Congress has shown interest in discussions related to conflicts between the commercial and recreational fishing sectors and the roles of local versus federal management for certain stocks. Congress may continue to conduct oversight of federal fisheries management. Congress might also assess whether to amend MSA, and how to best allocate related appropriations, in consideration of emerging FMC priorities. Such priorities include broader ecosystem-based approaches in NOAA and FMC fisheries management efforts.

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# Introduction

Fisheries are important contributors to U.S. ocean economies and the livelihoods of coastal communities.[1] Marine fisheries revenue and employment have increased since the mid-20th century, with U.S. marine fisheries valued at $319 billion and responsible for 2.1 million jobs as of 2023.[2] Under guidelines in law and regulation, fisheries managers create measures to address overexploitation and assist in the recovery of overharvested fishery populations.[3] U.S. fisheries management entities create and enforce rules to allow for harvest within national maritime boundaries in consideration of sustainable management standards.[4]

In 1976, the Magnuson-Stevens Fishery Conservation and Management Act (MSA; P.L. 94-265) established eight individual U.S. Regional Fishery Management Councils (FMCs) with authority over marine federal fisheries (i.e., those occurring in waters up to 200 nautical miles offshore and beyond state or territorial waters) in their respective geographic areas.[5] The eight FMCs, in cooperation with the National Oceanic and Atmospheric Administration (NOAA), manage marine fisheries in U.S. federal waters.[6] MSA, as amended,[7] is the primary federal fisheries management law, which assigned specific managerial roles and responsibilities to the FMCs and NOAA.[8] MSA established the FMCs to prepare, monitor, and revise fishery management plans (FMPs) in accordance with 10 national standards.[9] FMCs develop these FMPs and jointly implement them with NOAA, with participation and advice from the states, the fishing industry, consumer and environmental organizations, and other stakeholders regarding their establishment and administration.[10] Under statute, FMPs also are to take into account the states' social and economic needs.[11]

[1] 16 U.S.C. §1802(13) defines a *fishery* as "one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and any fishing for such stocks"; U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), *Fisheries Economics of the United States 2023: Economic and Social Status and Trends Series*, NOAA Technical Memorandum NMFS-F/SPO-254, February 2026, pp. 1-29, https://www.fisheries.noaa.gov/s3//2026-02/FEUS-2023-web_0.pdf (hereinafter NOAA, NMFS, *Fisheries Economics of the United States 2023*, 2026).

[2] NOAA, NMFS, *Fisheries Economics of the United States 2023*, 2026.

[3] Ray Hilborn and Daniel Ovando, "Reflections on the Success of Traditional Fisheries Management," *ICES Journal of Marine Science*, vol. 71, no. 5 (2014), pp. 1040-1046.

[4] NOAA, NMFS, "National Standard Guidelines," https://www.fisheries.noaa.gov/national/laws-and-policies/national-standard-guidelines; 16 U.S.C. §1851.

[5] 16 U.S.C. §1801(b)(5).

[6] 16 U.S.C. §§1851-1869.

[7] 16 U.S.C. §§1801-1891d.

[8] 16 U.S.C. §§1801-1891d.

[9] 16 U.S.C. §1851; in 1990, through P.L. 101-627, this language was amended to, "exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such plans." 16 U.S.C. §1801(b)(5). MSA does not define the term *fishery management plan* (FMP). NOAA defines an FMP as "1. A document prepared under supervision of the appropriate fishery management council (FMC) for management of stocks of fish judged to be in need of management. The plan must generally be formally approved. An FMP includes data, analyses, and management measures; 2. A plan containing conservation and management measures for fishery resources, and other provisions required by the Magnuson-Stevens Act, developed by FMCs or the Secretary of Commerce." NOAA, *NOAA Fisheries Glossary*, NOAA Technical Memorandum NMFS-F/SPO-69, 2006, p. 16, https://repository.library.noaa.gov/view/noaa/12856 (hereinafter, NOAA, *NOAA Fisheries Glossary*).

[10] 16 U.S.C. §§1801(b)(5), 1852, and 1854.

[11] 16 U.S.C. §1801(b)(5)(B).

FMCs are composed of members from the fishing industry, federal and state agencies, and other fishery-related sectors, all of whom represent interests specific to the states in a given region and manage regional fisheries in federal waters.[12] Conversely, individual state agencies and interstate marine fisheries commissions manage marine fisheries in coastal state waters,[13] as included in MSA and the Interjurisdictional Fisheries Act of 1986 (P.L. 99-659).[14]

Amendments to MSA, together with FMC-specific decisions and emerging priorities over time, have led to changes in FMCs' organization, foci, and requirements, including in the councils' partnership with NOAA when implementing management actions and contributing to scientifically informed assessments.[15] Congress amended MSA through reauthorization acts in 1996 (Sustainable Fisheries Act; P.L. 104-297) and 2006 (Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006; P.L. 109-479). The focus and responsibilities of the FMCs have broadened over the years. These shifts are based on legislative changes and NOAA policies and FMC efforts to increasingly account for ecological and environmental effects (e.g., climate, multispecies interactions, habitat factors) on fishery species in fisheries management actions.[16]

Congress has recurrently expressed interest in MSA, the FMCs, and fisheries management in general. Congressional debate centers on the impacts of climate and environmental stressors on fisheries, trade-offs between protected species and specific fishing practices, the ecological consequences of overfishing on marine biodiversity,[17] and concerns about management actions on fishing communities, among other related topics. Recurring discussions have occurred related to conflicts between the commercial and recreational fishing sectors, the roles of local versus federal management for interjurisdictional fisheries species, and concerns about flexibility in fisheries management practices. Congress has debated these subjects during recent efforts to amend MSA, such as through its consideration of two separate bills introduced in the 117th Congress (H.R. 59 and H.R. 4690).[18]

[12] 16 U.S.C. §1852.

[13] *State* in this context may include a U.S. state or a U.S. territory.

[14] 16 U.S.C. §1856; 16 U.S.C. §§4101-4107. The Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. §§5101-5108) also governs interstate fisheries management activities by the Atlantic States Marine Fisheries Commission (ASMFC). ASMFC, "Atlantic Coastal Fisheries Cooperative Management Act," https://asmfc.org/resources/management-guiding-document/atlantic-coastal-fisheries-cooperative-management-act/.

[15] NOAA, NMFS, "National Marine Fisheries Service Policy 01-120: Ecosystem-Based Fisheries Management Policy," rev. January 2024, effective May 23, 2016, https://www.fisheries.noaa.gov/s3/2024-02/Revised-EBFM-Policy-FINAL-2.12.24-508-signed-JC.pdf (hereinafter, NOAA, NMFS Policy 01-120); U.S. Regional Fishery Management Councils, *Celebrating 40 Years of Regional Fisheries Management*, 2016, http://www.fisherycouncils.org/s/MSA-40-Anniversary-Pub-Final-May2016 (hereinafter U.S. Regional Fishery Management Councils, *Celebrating 40 Years of Regional Fisheries Management*, 2016).

[16] NOAA, NMFS Policy 01-120; U.S. Regional Fishery Management Councils, *Celebrating 40 Years of Regional Fisheries Management*, 2016.

[17] 50 C.F.R. §600.310(e)(2)(i)(B) defines *overfishing* as occurring "whenever a stock or stock complex is subjected to a level of fishing mortality or total catch that jeopardizes the capacity of a stock or stock complex to produce maximum sustainable yield (MSY) on a continuing basis."

[18] Debate surrounding these topics and of these bills occurred at hearings of the House Committee on Natural Resources and the Senate Committee on Commerce, Science, and Transportation, as well as during listening tours with stakeholders (U.S. Congress, House Committee on Natural Resources, Subcommittee on Water, Oceans, and Wildlife, *Subcommittee on Water, Oceans, and Wildlife Legislative Hearing*, 117th Cong., 1st sess., November 16, 2021; U.S. Congress, Senate Committee on Commerce, Science, and Transportation, *Fluke Fairness Act of 2021*, 117th Cong., 2nd sess., February 3, 2022, 117-66; Western Pacific Regional Fishery Management Council (WPRFMC), "Testimony Provided to the Listening Session Hosted by U.S. Rep. Huffman on the Re-authorization of the MSA on Feb. 21, 2020," https://www.wpcouncil.org/msa-testimony/).

The objective of this report is to assist Congress in understanding the basis for the federal fisheries management enterprise, particularly the structure, function, and respective foci of the eight FMCs and their evolving approaches. This report is not a comprehensive overview of MSA; rather, it provides an overview of the FMCs, including information about their membership and joint management process with NOAA and the evolution in their management approach to incorporate ecosystem-based considerations. The report describes issues for Congress related to the FMCs, such as amendments to MSA, emerging science and management priorities for FMCs, and FMCs' statements regarding fisheries management in Marine National Monuments (MNMs).

# Overview of U.S. Regional Fishery Management Councils

MSA, as amended, details requirements for the composition, roles, responsibilities, and functions of FMCs.[19] MSA includes provisions prescribing FMC structure, actions, and procedural matters (see below sections), which have been amended over time.[20]

Through MSA, Congress established eight individual FMCs across specific geographic areas of the U.S. exclusive economic zone, with representation from U.S. states and territories in that area (**Figure 1**). Each FMC has primary jurisdiction over the fisheries of its region.[21] The FMCs are as follows:

- Caribbean Fishery Management Council (CFMC)[22]
- Gulf Fishery Management Council (GFMC)[23]
- Mid-Atlantic Fishery Management Council (MAFMC)[24]
- New England Fishery Management Council (NEFMC)[25]
- North Pacific Fishery Management Council (NPFMC)[26]

[19] 16 U.S.C. §§1852-1855.

[20] 16 U.S.C. §1852.

[21] Representatives on a given FMC include those from the commercial and recreational fishing sectors, federal and state agencies, and others knowledgeable in the fisheries of a given region.

[22] The Caribbean Fishery Management Council (CFMC) manages fisheries within federal waters of the U.S. Caribbean, including those off Puerto Rico (9-200 nautical miles offshore) and the U.S. Virgin Islands (3-200 nautical miles offshore).

[23] The Gulf Fishery Management Council (GFMC), formerly known as the Gulf of Mexico Fishery Management Council, manages fisheries within U.S. federal waters of the northern Gulf of America, including those off Texas and the Florida Gulf Coast (9-200 nautical miles offshore), and off Louisiana, Mississippi, and Alabama (3-200 nautical miles offshore). GFMC, "The Gulf Council Announces Name Change and Rolls-Out New Website and Logo," press release, April 24, 2025, https://gulfcouncil.org/the-gulf-council-announces-name-change-and-rolls-out-new-website-and-logo/.

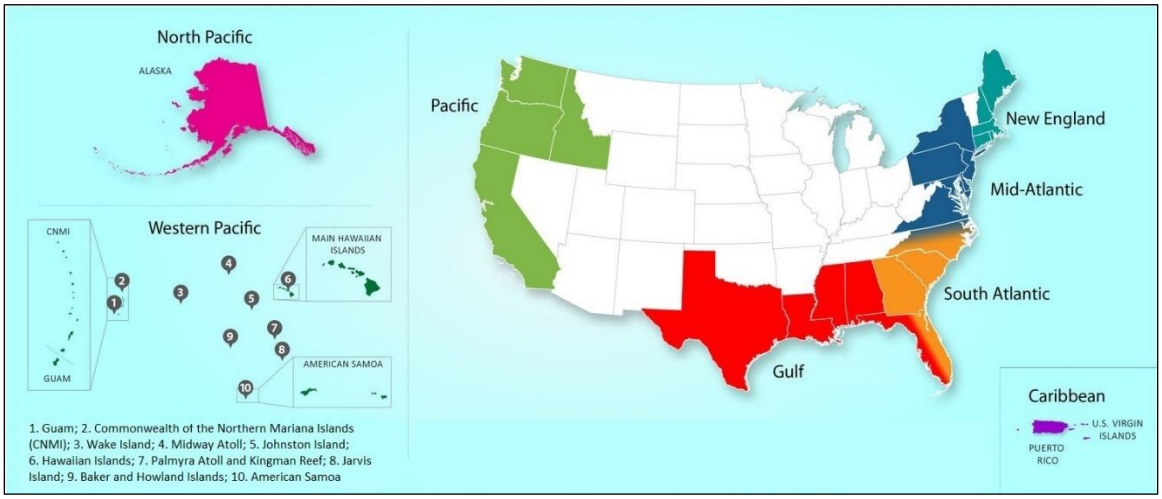
[24] The Mid-Atlantic Fishery Management Council (MAFMC) manages fisheries within federal waters (3-200 nautical miles offshore) off Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York, including occasional secondary jurisdiction for particular species in North Carolina federal waters and with representation from North Carolina on the council, as amended in the Sustainable Fisheries Act (P.L. 104-297; 16 U.S.C. §1852(a)(1)(B)).

[25] The New England Fishery Management Council (NEFMC) manages fisheries within federal waters (3-200 nautical miles offshore) off Connecticut, Rhode Island, Massachusetts, New Hampshire, and Maine.

[26] The North Pacific Fishery Management Council (NPFMC) manages fisheries within federal waters (3-200 nautical miles offshore) off Alaska and with representation from Washington and Oregon on the council.

- Pacific Fishery Management Council (PFMC)[27]
- South Atlantic Fishery Management Council (SAFMC)[28]
- Western Pacific Regional Fishery Management Council (WPRFMC)[29]

**Figure 1. The Eight U.S. Regional Fishery Management Councils**


North Pacific
ALASKA
Pacific
New England
Mid-Atlantic
South Atlantic
Gulf
Caribbean
U.S. VIRGIN ISLANDS
PUERTO RICO
Western Pacific
CNMI
GUAM
MAIN HAWAIIAN ISLANDS
AMERICAN SAMOA
1. Guam; 2. Commonwealth of the Northern Mariana Islands (CNMI); 3. Wake Island; 4. Midway Atoll; 5. Johnston Island; 6. Hawaiian Islands; 7. Palmyra Atoll and Kingman Reef; 8. Jarvis Island; 9. Baker and Howland Islands; 10. American Samoa

**Source:** CRS, modified from U.S. Regional Fishery Management Councils (FMCs), "Fishery Management Councils," http://www.fisherycouncils.org/.

**Notes:** In some cases, there may be overlap in state representation on particular Regional FMCs. Washington and Oregon have representatives on both the North Pacific and Pacific FMCs. North Carolina has representatives on both the Mid-Atlantic and South Atlantic FMCs. The jurisdictional boundaries for managed species are generally at the North Carolina/Virginia border, with a few exceptions. Florida has representatives on both the Gulf and South Atlantic FMCs. The Pacific FMC additionally includes representatives from Idaho.

## National Standards for Fishery Conservation and Management

MSA mandates that the FMCs apply the 10 National Standards for Fishery Conservation and Management (hereinafter, National Standards) in their management plans and actions.[30] MSA requires that any FMP prepared by a given FMC or regulation promulgated is to be consistent with the established National Standards. As mandated in MSA, NOAA's National Marine Fisheries Service (NMFS; also known as NOAA Fisheries) developed guidelines for each National Standard to assist in the development and review of FMPs, amendments, and regulations prepared by FMCs and NMFS.[31]

[27] The Pacific Fishery Management Council (PFMC) manages fisheries within federal waters (3-200 nautical miles offshore) off California, Oregon, and Washington, with representation from Idaho on the council.

[28] The South Atlantic Fishery Management Council (SAFMC) manages fisheries within federal waters (3-200 nautical miles offshore) off the Florida Atlantic Coast, extending to Key West, and off Georgia, South Carolina, and North Carolina. The council has primary jurisdiction for federal waters off North Carolina.

[29] The WPRFMC manages fisheries within federal waters (3-200 nautical miles) off Hawaii, American Samoa, and Guam and within waters (0-200 nautical miles) off the Commonwealth of the Northern Mariana Islands and Pacific Remote Islands (i.e., Wake Island, Midway Atoll, Johnston Island, Palmyra Atoll and Kingman Reef, Jarvis Island, Baker and Howland Islands).

[30] 16 U.S.C. §1851. The original authorization of MSA established seven National Standards, and the 1996 amendments added three more National Standards.

[31] As included in 50 C.F.R. §600.305-600.355.

## National Standards for Fishery Conservation and Management

The Magnuson-Stevens Fishery Conservation and Management Act, as amended (MSA; 16 U.S.C. §1851), established 10 national standards (NSs) that are to be followed in any fishery management plan to ensure sustainable and responsible fishery management:

**NS 1** - Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the U.S. fishing industry.

**NS 2** - Conservation and management measures shall be based upon the best scientific information available.

**NS 3** - To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

**NS 4** - Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various U.S. fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

**NS 5** - Conservation and management measures shall, where practicable, consider efficiency in the use of fishery resources, except that no such measure shall have economic allocation as its sole purpose.

**NS 6** - Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

**NS 7** - Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

**NS 8** - Conservation and management measures shall, consistent with the conservation requirements of MSA (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by using economic and social data that meet the requirements of paragraph (2), in order to (A) provide for the sustained participation of such communities and (B) to the extent practicable, minimize adverse economic impacts on such communities.

**NS 9** - Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

**NS 10** - Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

**Notes:** 16 U.S.C. §1802(33) defines *optimum yield* as the amount of fish that is prescribed on the basis of the maximum sustainable yield (MSY) from the fishery, as reduced by any relevant economic, social, or ecological factor, and, in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the MSY in such fishery.

MSA does not *define maximum sustainable yield* (MSY). Some experts define MSY as the highest possible annual catch that can be continuously taken from a stock under existing environmental conditions that still allows the population to sustain itself and keeps the stock at the level producing the maximum growth of its population. See Athannassios C. Tsikliras and Rainer Froese, "Maximum Sustainable Yield," in *Encyclopedia of Ecology*, 2nd ed., ed. Brian D. Fath (Towson, MD: Elsevier, 2019), pp. 108-115.

16 U.S.C. §1802(2) defines *bycatch* as "fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program."

50 C.F.R. §600.310(e)(2)(i)(E) states that a stock or stock complex is considered "overfished" when its biomass has declined below a point at which the capacity of the stock or stock complex to produce MSY on a continuing basis has been jeopardized.

As derived from 50 C.F.R. §600.310(d)(2), a *stock complex* is defined as "a group of stocks that are sufficiently similar in geographic distribution, life history, and vulnerabilities to the fishery such that the impact of management actions on the stocks is similar." Nicholas A. Farmer et al., "Stock Complexes for Fisheries Management in the Gulf of Mexico," *Marine and Coastal Fisheries*, vol. 8, no. 1 (2016), pp. 177-201.

## Regional Fishery Management Council Functions

Under MSA, the mandated functions of individual FMCs comprise the development and description of sustainable fishing practices, which are to be included in FMPs and their amendments. FMCs also are expected to establish regionally specific management programs, including the option to apply market-based management approaches, and to participate in cooperative efforts with NOAA and other parties to enhance commercial and recreational fisheries management. MSA requires each FMC to do the following:[32]

- Prepare and submit an FMP, and any necessary amendments, to the Secretary of Commerce (hereinafter the Secretary), for each fishery under the FMC's authority that requires conservation and management
- Prepare comments on any application for foreign fishing, and on any FMP or amendment, transmitted to the FMC
- Conduct public hearings to allow all interested persons an opportunity to be heard in the development of FMPs and their amendments and with respect to the administration and implementation of MSA
- Submit to the Secretary periodic reports as the FMC deems appropriate and any other relevant report that the Secretary may request

Additionally, MSA requires FMCs to review on a continuing basis, and revise as appropriate, the following:

- The condition of a given fishery, including its maximum sustainable yield (MSY) and optimum yield (OY)[33]
- Annual domestic harvest and domestic processing of the OY
- The portion of OY made available for foreign fishing

For each of their managed fisheries, FMCs are required to develop annual catch limits (ACLs) that may not exceed the fishing level recommendations of their Scientific and Statistical Committees (SSCs) or FMC-specific peer review process.[34] FMCs also are to develop, in conjunction with their SSCs, multiyear research priorities for fisheries. In addition, MSA requires

[32] 16 U.S.C. §1852(h).

[33] MSA does not define *maximum sustainable yield* (MSY). Some experts define MSY as the highest possible annual catch that can be continuously taken from a stock under existing environmental conditions that still allows the population to sustain itself and keeps the stock at the level producing the maximum growth of its population. See Athannassios C. Tsikliras and Rainer Froese, "Maximum Sustainable Yield," in *Encyclopedia of Ecology*, 2nd ed., ed. Brian D. Fath (Towson, MD: Elsevier, 2019), pp. 108-115. 16 U.S.C. §1802(33) defines *optimum*, with respect to the yield from a fishery, as the amount of fish that "(A) will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems; (B) is prescribed on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant economic, social, or ecological factor; and (C) in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the maximum sustainable yield in such fishery."

[34] MSA does not define *annual catch limit* (ACL). NOAA defines an ACL in 50 C.F.R. §600.310(f)(1)(iii) as "a limit on the total annual catch for a stock or stock complex, which cannot exceed the acceptable biological catch (ABC), that serves as the basis for invoking accountability measures (AMs). An ACL may be divided into sector-ACLs." FMCs set ACLs through development of FMPs or their amendments, and ACLs are subject to approval by the Secretary of Commerce. If approved, ACLs are implemented and monitored by NOAA Fisheries. Stocks that are managed with international agreements or that have life cycles of less than one year are exempted as included in 50 C.F.R. §600.310(h)(1). NOAA, NMFS, "Frequent Questions: Annual Catch Limit Monitoring," https://www.fisheries.noaa.gov/southeast/sustainable-fisheries/frequent-questions-annual-catch-limit-monitoring.

FMCs to conduct any other activities that are required by, or provided for, in statute or that are relevant to the above functions.

Together with the Secretary, as administered by NMFS,[35] FMCs may establish market-based *limited access systems* that limit participation in a fishery to those satisfying particular eligibility requirements specified in an FMP, its amendment, or an associated regulation.[36] For a fishery managed under a limited access system, FMCs also may submit a limited access privilege program for secretarial approval to allow for a portion of the total allowable catch of that fishery to be received or held for exclusive use by a person,[37] fishing community, or regional fishery association.[38] Requirements for limited access privileges are included in MSA.[39] Congress also established community development quota programs, another version of a limited access system, for Western Alaskan and Western Pacific communities; these programs allow for annual percentages of total allowable catch in each directed fishery of the Bering Sea and the Aleutian Islands and in the Western Pacific regions to be allocated to eligible villages and participants in those respective regions.[40] These community development quota programs are administered by the NPFMC, WPRFMC, and the Secretary.

[35] Lee G. Anderson and Mark C. Holliday (eds.), *The Design and Use of Limited Access Privilege Programs*, NOAA, NMFS, NOAA Technical Memorandum NMFS-F/SPO-86, November 2007, https://www.fisheries.noaa.gov/s3//dam-migration/tech_memo_holiday_and_anderson.pdf.

[36] 16 U.S.C. §1802(27).

[37] MSA does not define *total allowable catch*. NOAA defines *total allowable catch* (TAC) as "the annual recommended or specified regulated catch for a species or species group. The regional fishery management council sets the TAC from the range of acceptable biological catch." NOAA, *NOAA Fisheries Glossary*, p. 54.

[38] A Regional Fishery Association (RFA) is defined in 16 U.S.C. §1802(14) as an association formed for the mutual benefit of members to meet social and economic needs in a region or subregion and is composed of persons engaging in the harvest or processing of fishery resources in that specific region or subregion or who otherwise own or operate businesses substantially dependent on a fishery. RFAs can acquire and hold limited access privilege programs, subject to limitations on composition and eligibility as determined by RFA by-laws, FMCs, and the Secretary.

[39] 16 U.S.C. §1853a.

[40] MSA does not define *directed fishery*. NOAA defines *directed fishery* as "fishing that is directed at a certain species or group of species. This applies to both sport and commercial fishing." NOAA, *NOAA Fisheries Glossary*, p. 10; 16 U.S.C. §1855(i).

### MSA-Established Regional Programs

MSA (16 U.S.C. §1855(i)) mandates specific regional programs in which particular U.S. Regional FMCs engage. Such programs include the limited access Bering Sea and Aleutian Islands (BSAI) Crab Rationalization and its quota share loan program (16 U.S.C. §1862(j)) and the Western Pacific Sustainable Fisheries Fund (16 U.S.C. §1824(e)(7)).

The BSAI Crab Loan Program, which is overseen by NOAA Fisheries with direct input from the NPFMC, provides long-term loans to individual fishers for the purchase of crab quota shares. In June 2022, the NPFMC received a request from its advisory panel to consider emergency action under MSA to provide flexibility to program participants in light of the Coronavirus Disease 2019 pandemic and the sudden and recent reduction of overall crab total allowable catch. NOAA Fisheries issued a temporary rule allowing for greater flexibility and temporary suspension of the active participation requirement under the program.

In another example, the Western Pacific Sustainable Fisheries Fund is a U.S. Treasury repository that includes funds for use by the WPRFMC. Any payments received by the Secretary of Commerce under a Pacific Insular Area fishery agreement, and any funds or contributions received in support of conservation and management objectives under a marine conservation plan for certain Pacific Insular Areas, are deposited into this fund. Payments received by the Secretary under a Pacific Insular Area fishery agreement for American Samoa, Guam, or the Northern Mariana Islands are deposited into the U.S. Treasury, and transferred to the Treasury of the Pacific Insular Area for which those funds were collected. The funds are then made available to the governor of that area to compensate the WPRFMC and Secretary of State and to implement an approved marine conservation plan. The Secretary provides available funding from the fund to the WPRFMC to carry out these provisions, including implementation of an approved marine conservation plan, or to use any remaining funds to meet conservation and management objectives in the state of Hawaii.

**Sources:** NOAA Fisheries, "Fisheries of the Exclusive Economic Zone off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program; C Shares," 87 *Federal Register* 42390, July 15, 2022; 16 U.S.C. §1824(e)(6); 16 U.S.C. §1862(j).

**Notes:** A *Pacific Insular Area fishery agreement* is an agreement to authorize foreign fishing within the exclusive economic zone adjacent to a U.S. Pacific Insular Area (i.e., American Samoa, Guam, the Northern Mariana Islands, and the Pacific Remote Islands, as applicable, and including all islands and reefs appurtenant to such island, reef, or atoll). A marine conservation plan is developed by the WPRFMC and the appropriate governor and details uses for funds in accordance with regional fisheries conservation and management objectives and with planned, prioritized marine conservation projects. It is required prior to entering into a Pacific Insular Area fishery agreement.

Congress has required FMCs to work collectively with NOAA and the states to strengthen recreational fisheries data collection and to incorporate that information into management actions, as appropriate. These requirements were included in the Modernizing Recreational Fisheries Management Act of 2018 (P.L. 115-405), which additionally mandated these parties to evaluate the NOAA Fisheries Marine Recreational Information Program (MRIP).[41] MRIP is a state-regional-federal partnership that develops, implements, and aims to continually improve a national network of recreational fishing surveys to estimate total catch from recreational fishing. FMC representatives serve with NOAA and state representatives on MRIP regional implementation teams, which identify data needs for recreational catch and effort for their respective regions and recommend programmatic improvements. Additionally, the GFMC and SAFMC, which each manage mixed-use fisheries to which the recreational fishing and charter fishing sectors are major contributors,[42] have consulted with NOAA on efforts to examine and

[41] NOAA, NMFS, *Marine Recreational Information Program: Collaborating to Improve Recreational Fishing Estimates—Strategic Plan: 2017-2022*, 2017, https://media.fisheries.noaa.gov/dam-migration/mrip-strategic-plan-2017-2022.pdf.

[42] Felicia C. Coleman et al., "The Impact of United States Recreational Fisheries on Marine Fish Populations," *Science*, vol. 305, no. 5692 (2004), pp. 1958-1960; P.L. 115-405 defines a *mixed-use fishery* as "a Federal fishery in which 2 or more of the following occur: (A) Recreational fishing. (B) Charter fishing. (C) Commercial fishing."; MSA, under 16 U.S.C. §1802(3), defines *charter fishing* as "fishing from a vessel carrying a passenger for hire ... who is engaged in recreational fishing."

account for allocation (or reallocation) of fishing privileges in those fisheries. FMCs also participate in efforts to address illegal, unreported, and unregulated (IUU) fishing through engagements with the White House National Ocean Council IUU Fishing/Seafood Fraud Committee and the U.S. Interagency Working Group on IUU Fishing.[43]

# Regional Fishery Management Council Structure and Composition

All FMCs have a similar structure that reflects the expertise and interest of the states (or territories) in their authority areas, as established in MSA.[44] As described below, each FMC has the following components, which may vary among FMCs in terms of their total membership (e.g., number of voting members) or in their proportional representation among fisheries-related sectors: voting members, nonvoting members, an executive director and staff, a Scientific and Statistical Committee, and additional committees and advisory panels.

## Voting Members

The voting members conduct FMC business and finalize decisions by majority vote. Each FMC includes two types of voting members:[45]

1. Designated state and federal members, including the principal official with marine fishery management responsibility and expertise from each state,[46] and the NMFS regional director for the geographical area concerned
2. Members appointed by the Secretary for a term of no more than three years[47]

The Secretary is to appoint members of each FMC from a list of qualified individuals submitted by the governor of each applicable constituent state.[48] All voting members nominated by state governors are required to disclose certain financial interests.[49] The voting members of a given FMC select a chair (and in some cases a vice chair) responsible for the transaction of business as specified under MSA from among the voting membership.[50] MSA generally requires that FMC meetings are open to the public. Furthermore, each FMC establishes its own applicable procedures.

MSA includes requirements regarding specific appointments and apportionments of voting members within particular FMCs.[51] For example, the Secretary is to appoint to the PFMC one representative from an Indian tribe (or his or her designee) with federally recognized fishing rights from California, Oregon, Washington, or Idaho, from a list of not fewer than three

[43] Cochaired by NOAA, the U.S. Coast Guard, and the U.S. Department of State. NOAA, NMFS, "U.S. Interagency Working Group on IUU Fishing," April 3, 2025, https://www.fisheries.noaa.gov/national/international-affairs/us-interagency-working-group-iuu-fishing.

[44] 16 U.S.C. §§1852(b)-(c), (f)-(g).

[45] As established in 16 U.S.C. §1852(b).

[46] *State* in this context may include a U.S. state or a U.S. territory.

[47] In accordance with 16 U.S.C. §1852(b)(2)-(5) and as specified for each FMC in 16 U.S.C. §1852(a)(1).

[48] As detailed in 16 U.S.C. §1852(b)(2)(C).

[49] 16 U.S.C. §1852(j).

[50] 16 U.S.C. §§1852(e) and 1852(i).

[51] 16 U.S.C. §1852(b).

individuals submitted by tribal governments.[52] In another example, the governor of a state submitting individuals for appointment to the GFMC is to include at least one nominee each from the commercial, recreational, and charter fishing sectors and at least one other individual who is knowledgeable in the conservation and management of fisheries resources in its jurisdiction.[53]

The Secretary may remove any appointed voting member if the FMC recommends removal by not less than two-thirds of the voting membership and submits a removal recommendation to the Secretary in writing with a statement of the basis for the recommendation.[54]

## Nonvoting Members

Nonvoting members on FMCs represent federal and interstate agencies outside the Department of Commerce and NOAA. The nonvoting members of each FMC include one directorate representative each from the U.S. Fish and Wildlife Service, U.S. Coast Guard, and corresponding applicable interstate marine fisheries commission, and a representative from the Department of State.[55] The PFMC includes one additional nonvoting member who is appointed by, and serves at the pleasure of, the governor of Alaska.[56]

## Executive Director and Staff

Each FMC may appoint and assign duties to an executive director (and deputy director, in the case of several FMCs) and other full- and part-time administrative employees.[57] FMC staff typically include a number of fishery management specialists and/or analysts, as well as communication, outreach, operations, and administrative support specialists.[58] Fishery management specialists and analysts often work on specific stocks or stock complexes,[59] their FMPs, and relevant monitoring and assessment programs that may intersect with efforts by NOAA, including those for essential fish habitat (EFH), protected species, and ecosystems.

[52] 16 U.S.C. §1852(b)(5). Representation rotates among the tribes in consideration of individuals' qualifications, the rights of those tribes involved and judicial cases that set forth the exercising of those rights, and geography. The current representative is from the Makah Tribe; he is serving his first term.

[53] 16 U.S.C. §1852(b)(2)(D).

[54] 16 U.S.C. §1852(b)(6).

[55] 16 U.S.C. §1852(c).

[56] 16 U.S.C. §1852(c)(2). The current representative is the commissioner of the Alaska Department of Fish and Game.

[57] 16 U.S.C. §1852(f).

[58] CFMC, "CFMC Staff," https://www.caribbeanfmc.com/about-caribbean-fishery-management-council/council-staff; GFMC, "Council Staff," https://gulfcouncil.org/about/staff/; NPFMC, "Council Staff," https://www.npfmc.org/about-the-council/council-staff/.

[59] NOAA Fisheries defines a *stock* as "a part of a fish population usually with a particular migration pattern, specific spawning grounds, and subject to a distinct fishery. A fish stock may be treated as a total or a spawning stock. Total stock refers to both juveniles and adults, either in numbers or by weight, while spawning stock refers to the numbers or weight of individuals that are old enough to reproduce." NOAA, *NOAA Fisheries Glossary*, p. 49. As derived from 50 C.F.R. §600.310(d)(2), a *stock complex* is defined as "a group of stocks that are sufficiently similar in geographic distribution, life history, and vulnerabilities to the fishery such that the impact of management actions on the stocks is similar." Nicholas A. Farmer et al., "Stock Complexes for Fisheries Management in the Gulf of Mexico," *Marine and Coastal Fisheries*, vol. 8, no. 1 (2016), pp. 177-201.

## Scientific and Statistical Committee

Each FMC is to establish, maintain, and appoint members to an SSC.[60] SSCs assist in the development, collection, evaluation, and peer review of statistical, biological, economic, social, and other scientific information relevant to the development and amendment of any FMP. They provide scientific advice for fishery management decisions, including recommendations for the maximum amount of a given fish stock that can be harvested (i.e., the acceptable biological catch [ABC]),[61] MSY, overfishing preventions, and for achieving stock rebuilding targets. They additionally report on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and the sustainability of fishing practices. FMC-appointed SSC members may be federal or state employees, academics, or independent experts. All SSC members, including the chairperson, are appointed for multiyear terms and must disclose their financial interests.[62] FMCs and their SSCs also develop five-year research priorities for fisheries and their management.[63]

## Additional Committees and Advisory Panels

Each FMC is to establish committees and advisory panels for carrying out its functions as necessary, which include committee and panel chairs appointed by an FMC.[64] The Secretary also is to establish advisory panels to assist in the collection and evaluation of information relevant to the development of any management plan or amendment. Any decisions and recommendations made by committees and advisory panels (including SSCs) are considered advisory in nature.

## Council Coordination Committee

MSA permits the FMCs to establish a Council Coordination Committee (CCC), which consists of the chairs, vice chairs, and executive directors of each of the eight FMCs and other staff, as appropriate.[65] The FMCs established the CCC in 1977; the CCC meets twice a year and discusses issues of relevance to all FMCs.[66] Leadership of the CCC revolves each year among each of the eight FMCs.[67] The CCC may establish working groups or subcommittees to address particular issues, which may include members and/or staff from FMCs, the CCC, FMC-established advisory bodies, and NMFS staff with expertise as necessary.[68] Standing bodies include the Legislative

[60] 16 U.S.C. §1852(g).

[61] NOAA Fisheries defines *acceptable biological catch* (ABC) as the maximum amount of fish stock than can be harvested without adversely affecting recruitment of other components of the stock. NOAA, NMFS, "Frequent Questions: Annual Catch Limit Monitoring," https://www.fisheries.noaa.gov/southeast/sustainable-fisheries/frequent-questions-annual-catch-limit-monitoring; NOAA defines *recruitment* as "the amount of fish added to the exploitable stock each year due to growth and/or migration into the fishing area." NOAA, *NOAA Fisheries Glossary*, pp. 39-40.

[62] 16 U.S.C. §1852(g)(1).

[63] 16 U.S.C. §1852(h)(7).

[64] 16 U.S.C. §1852(g).

[65] 16 U.S.C. §1852(l).

[66] Council Coordination Committee of the U.S. Regional Fishery Management Councils (CCC), *Meeting History*, https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/65f3036c45e00c1cd1aacfe9/1710424940980/CCC-Meeting-History_230314.pdf.

[67] CCC, *Terms of Reference for the Council Coordination Committee*, May 24, 2023, https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/65f3436142cbf5106098f7b9/1710441314256/CCC_TOR_2023-05-24.pdf (hereinafter, CCC, *Terms of Reference*).

[68] CCC, *Terms of Reference*.

Work Group, the Council Communications Group, the Habitat Workgroup, and the Scientific Coordination Subcommittee (SCS).[69]

# Management Activities of the Fishery Management Councils

FMC management activities include the development and joint implementation of FMPs with NOAA, including the required and discretionary components of FMPs. Furthermore, MSA directs FMCs and NOAA to work together to prevent overfishing, rebuild overfished stocks, identify and protect EFH,[70] and comanage fisheries in other ways.[71]

In April 2025, President Trump issued Executive Order (E.O.) 14276, "Restoring American Seafood Competitiveness," which required multiple federal actions with respect to U.S. fisheries management.[72] Among its contents, the executive order (1) directed the Secretary to work with FMCs and partners to address and refine the regulation of certain fisheries and (2) required FMCs to provide recommendations to the Secretary for prioritized actions regarding future fisheries management.[73] In September 2025, each FMC issued its recommendations for prioritized fisheries management actions under its jurisdiction.[74] These recommendations built on those previously issued by the FMCs in accordance with E.O. 13921, "Promoting American Seafood Competitiveness and Economic Growth," issued in May 2020.[75]

## Fishery Management Plans

One responsibility of the FMCs is to ensure stewardship of fishery resources through the preparation, monitoring, and revision of FMPs. States, the fishing industry, and other interested parties may provide input on the establishment and administration of the FMPs.[76] All FMPs and their amendments (or other modifications) are subject to review and approval by the Secretary;[77] this process involves initial publication in the *Federal Register* with an opportunity for public comment and approval, disapproval, or partial approval to be made by the Secretary within 30 days of the end of the comment period.[78]

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[69] The Scientific Coordination Subcommittee (SCS) is composed of the chairs from each of the Regional Fishery Management Council Scientific and Statistical Committees; CCC, *Terms of Reference*.

[70] 16 U.S.C. §1802(10) defines *essential fish habitat* (EFH) as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity."

[71] 16 U.S.C. §§1853-1855.

[72] Executive Order 14276 of April 17, 2025, "Restoring American Seafood Competitiveness," 90 *Federal Register* 16993-16995, April 22, 2025 (hereinafter Executive Order 14276, "Restoring American Seafood Competitiveness," 2025).

[73] Executive Order 14276, "Restoring American Seafood Competitiveness," 2025; Executive Order 13921 of May 7, 2020, "Promoting American Seafood Competitiveness and Economic Growth," 85 *Federal Register* 28471-28477, May 12, 2020 (hereinafter Executive Order 13921, "Promoting American Seafood Competitiveness and Economic Growth," 2020).

[74] U.S. Regional Fishery Management Councils, "Executive Orders on Seafood Competitiveness," https://www.fisherycouncils.org/executive-orders.

[75] Executive Order 13921, "Promoting American Seafood Competitiveness and Economic Growth," 2020.

[76] 16 U.S.C. §1801(b)(5).

[77] 16 U.S.C. §1854(a).

[78] 16 U.S.C. §1854(a)(3) states, "If the Secretary does not notify a Council within 30 days of the end of the comment (continued...)

FMCs may develop an FMP for a specific fishery species, stock complex, or functional group (e.g., groundfish, reef fish) in a given region. In some cases, FMPs may be comanaged by more than one FMC, at the Secretary's discretion.[79] In other cases, FMCs may create FMPs for a particular habitat (e.g., pelagic *Sargassum* and its limited commercial fishery)[80] or geography (e.g., Arctic Management Area).[81] In accordance with national standards, the Secretary also may prepare an FMP or amendment for any fishery if the Secretary disapproves the FMC's FMP, or any portion thereof, and the FMC involved does not submit a revision (see section, "Balance of Authorities Between the Secretary and the Fishery Management Councils" for more information).[82]

Under MSA, any FMP prepared by an FMC or the Secretary for the management of a given fishery shall contain the following components:[83]

- Conservation and management measures to prevent overfishing, rebuild overfished stocks, and as related to the long-term health and stability of that fishery[84]
- A description of the fishery (e.g., number of vessels, quantity of fishing gear used, type and location of species involved, fishery revenues)
- A description of the commercial, recreational, and charter fishing sectors that participate in the fishery
- Considerations and provisions for temporary adjustments regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or ocean conditions[85]

FMPs also are required to assess and specify the following:

- The present and probable future condition of the fishery
- The capacity and extent to which U.S. fishing vessels will annually harvest the specified OY

period of the approval, disapproval, or partial approval of a plan or amendment, then such plan or amendment shall take effect as if approved."

[79] 16 U.S.C. §1854(f).

[80] SAFMC, *Fishery Management Plan for Pelagic Sargassum Habitat of the South Atlantic Region, Including a Final Environmental Impact Statement, Initial Regulatory Flexibility Analysis, Regulatory Impact Review, and Social Impact Assessment/Fishery Impact Statement*, November 2002, https://safmc.net/documents/sargassum-fishery-management-plan/.

[81] NPFMC, *Fishery Management Plan for Fish Resources of the Arctic Management Area*, August 2009, https://www.npfmc.org/wp-content/uploads/ArcticFMP-1.pdf.

[82] More detailed information about FMPs is available at NOAA, NMFS, "Fisheries Management Info," https://www.fisheries.noaa.gov/rules-and-announcements/plans-and-agreements; U.S. Regional Fishery Management Councils, http://www.fisherycouncils.org/; Jason S. Link and Anthony R. Marshak, *Ecosystem-Based Fisheries Management: Progress, Importance, and Impacts in the United States* (Oxford: Oxford University Press, 2021) (hereinafter, Link and Marshak, *Ecosystem-Based Fisheries Management: Progress, Importance, and Impacts in the United States*).

[83] 16 U.S.C. §1853.

[84] These measures also shall be consistent with the 10 National Standards in MSA and other applicable laws and regulations, including recommendations (e.g., closed areas, catch quotas, species size limits) by international organizations in which the United States participates.

[85] These adjustments are to occur following consultation with the U.S. Coast Guard and persons using the fishery. Any adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery as included in 16 U.S.C. §1853(a)(6).

- The portion of such OY that will not be annually harvested by U.S. fishing vessels and can be made available for foreign fishing
- The capacity and extent to which U.S. fish processors will annually process the portion of OY that will be harvested by U.S. fishing vessels
- The pertinent data that will be submitted to the Secretary with respect to commercial, recreational, and charter fishing and fish processing in the fishery[86]

In addition, FMPs are to include descriptions and identification of EFH for the fishery, including actions to minimize adverse effects on EFH caused by fishing, to the extent practicable, and additional actions to encourage EFH conservation.

Furthermore, FMPs are to contain information about the cumulative conservation, economic, and social impacts (including to safety at sea) of conservation and management measures on participants in the fishery, as included in a fishery impact statement.

Related to actions to manage and rebuild overfished fisheries, FMPs shall include the following:

- "Objective and measurable criteria" that are used to identify when a fishery is overfished or approaching an overfished condition and conservation and management measures to prevent or end overfishing and rebuild the fishery[87]
- Any expected reductions to harvest from rebuilding plans or other conservation and management actions, including their fair and equitable allocations among the commercial, recreational, and charter fishing sectors of that fishery[88]

In accounting for bycatch, FMPs are required to include the following:

- A standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery
- Specific conservation and management measures to minimize bycatch and minimize the mortality of any bycatch that cannot be avoided

Finally, FMPs are also required to include measures to ensure accountability and established mechanisms for specifying ACLs in the plan and implementing regulations or annual specifications at a level such that overfishing does not occur in the fishery.

FMCs also may include discretionary provisions, such as information on permitting and/or necessary fishing limitations (e.g., fishing zones, gear restrictions, fishing closures, catch and sale limits, deep-sea coral protections) in FMPs.[89] All FMCs have the authority to designate zones and time periods that limit or prohibit fishing practices.[90] If desired, and often under particular

[86] For example, type and quantity of fishing gear used, catch by species (by weight and by numbers of fish), fishing areas, time of fishing, number of hauls, economic information, and estimated and actual processing capacity used by U.S. fish processors. All FMPs submitted to the Secretary for review, and those for which an amendment is submitted, are to assess and specify the nature and extent of scientific data needed for effective implementation of the plan.

[87] The inclusion of these measures is applicable to the case of a fishery that the FMC or the Secretary has determined is overfished or approaching an overfished condition.

[88] NOAA defines a *rebuilding plan* as "1. A document that describes policy measures that will be used to rebuild a fish stock that has been declared overfished; 2. A plan that must be designed to recover stocks to the BMSY level within 10 years when they are overfished (i.e., when biomass [B] < minimum stock size threshold)"; NOAA, *NOAA Fisheries Glossary*, p. 39. In this context, NOAA defines *BMSY* as "the weight (biomass) of a group of fish necessary to produce maximum sustainable yield (MSY)"; NOAA, *NOAA Fisheries Glossary*, p. 3.

[89] 16 U.S.C. §1853(b).

[90] 16 U.S.C. §1853(b)(2).

circumstances, FMCs, including through their FMPs, may delegate management of a given fishery to a state if the state's laws are consistent with regulations in that FMP.[91]

## Implementation of Fishery Management Plans

FMCs are responsible for implementing FMPs and their amendments, together with NOAA. Amendments to MSA have reflected shifting fisheries management priorities among sustaining fish populations, responding to the effects of overfishing, and conserving fisheries and their habitats.[92] MSA mandates a greater focus on these priorities in both the required and discretionary contents of FMPs.

### Preventing Overfishing and Rebuilding Overfished Fisheries

Congress has amended MSA to strengthen requirements for the FMCs and NOAA to prevent overfishing and to rebuild overfished fisheries by using precautionary approaches when managing a given fishery's total catch. FMCs approach situations of overfishing by setting catch limits and ensuring accountability within those limits.[93] Using information from an NMFS stock assessment, including information on the stock's ability to replenish itself, FMCs and their SSCs use a process to identify the allowable catch amount (i.e., an ACL). In addition, FMCs use this information to set limits so as to avoid future overfishing of stocks. NMFS monitors annual commercial and recreational landings in accordance with catch limits and may implement in-season and emergency closures, if necessary, among other actions if they are exceeded.

FMC-enacted accountability measures include regulatory changes such as quota closures,[94] a reduction in the next year's ACL, closed fishing seasons,[95] or modifications to bag or fishing trip limits.[96] The FMCs determine specific fishing quotas based on the set ACL and proportionally allocate said quotas to particular fishing sectors (i.e., commercial, recreational, charter fishing), the constituent states of that fishery, and for fisheries managed under a limited access privilege program as applicable. The FMCs consider factors including the historical contributions of particular fishing sectors or states to a given fishery when determining these apportionments.

FMCs additionally work with NOAA to rebuild those fisheries that at one time have been classified as overfished.[97] The determination of whether a stock is subject to overfishing or classified as overfished is based on specific criteria that are included in a given FMP. If a NOAA assessment determines that a stock is overfished or is experiencing overfishing, the agency is to immediately notify the appropriate FMC to request action be taken to end overfishing and to implement conservation and management measures to rebuild the fishery as needed. Rebuilding plans for an overfished fishery are to specify a time period to rebuild the fishery, which is intended to be "as short as possible" and shall consider the status and biology of any overfished

[91] 16 U.S.C. §1856(a)(3)(B).

[92] CRS In Focus IF10267, *Magnuson-Stevens Fishery Conservation and Management Act (MSA): Reauthorization Issues for the 115th Congress*, by Anthony R. Marshak.

[93] 16 U.S.C. §1853(a)(15).

[94] NOAA defines a *quota* as "a specified numerical harvest objective, the attainment (or expected attainment) of which causes closure of the fishery for that species or species group." NOAA, *NOAA Fisheries Glossary*, p. 39.

[95] NOAA defines a *closed season* or *seasonal closure* as "the banning of fishing activity (in an area or of an entire fishery) for a few weeks or months, usually to protect juveniles or spawners." NOAA, *NOAA Fisheries Glossary*, p. 6.

[96] NOAA defines a *bag limit* as "The number and/or size of a species that a person can legally take in a day or [fishing] trip. This may or may not be the same as a possession limit." NOAA, *NOAA Fisheries Glossary*, p. 3.

[97] 16 U.S.C. §1854(e).

stocks of fish, the needs of the fishing community, recommendations by participatory organizations, and the interaction of the overfished stock with the marine ecosystem.[98]

NOAA assesses the overfished and overfishing statuses for the stocks and stock complexes that it manages, including those managed in FMC FMPs. NOAA publishes updates to fishery stock statuses on a quarterly basis and reports end-of-year updates in annual reports to Congress and the FMCs.[99] The 2023 annual report (the most recently published as of April 6, 2026), for example, noted that 21 federally managed stocks (i.e., 6% of those with known overfishing status) were subject to overfishing, 47 were overfished (i.e., 18% of those with known overfished status), and 50 stocks were on the rebuilt list.[100] In the 2023 annual report, NMFS noted that 48 stocks continued to have rebuilding plans, 8 of which were no longer overfished but continued to be managed under rebuilding plans.[101]

## Identifying and Protecting Essential Fish Habitat

Due to historic loss of aquatic habitats, the 1996 reauthorization of MSA acknowledged the importance of habitat considerations and conservation for commercial and recreational fisheries.[102] MSA declared the need for a national program, carried out by NOAA and the FMCs, to facilitate the protection of EFH and address the long-term threats of habitat loss on fisheries' continued viability.[103] FMCs are required to describe and identify EFH for each fishery managed under an FMP, including geographic information and details as to where each applicable species and life stage is found,[104] to minimize adverse effects from fishing on such EFH.[105] For example, the EFH for Pacific Coast groundfish, managed by the PFMC, is shown in **Figure 2**.

In addition, MSA mandated FMCs to identify actions that should be considered to ensure the conservation and enhancement of EFH.[106] For example, these actions may include issuing restrictions on fishing gear, time and area closures, and/or harvest limits, as necessary.[107] FMCs are to conduct a complete review of all EFH information at least once every five years, and update FMPs based on new scientific evidence or other relevant information.[108]

[98] 16 U.S.C. §1854(e)(4)(A).

[99] 16 U.S.C. §1854(e)(1).

[100] NOAA Fisheries, *Status of Stocks 2023: Annual Report to Congress on the Status of U.S. Fisheries*, May 2024, https://www.fisheries.noaa.gov/s3/2024-04/2023SOS-final.pdf (hereinafter NOAA Fisheries, *Status of Stocks 2023*, 2024). According to NMFS's December 31, 2025, quarterly status update, the most recently published, 15 federally managed stocks are currently subject to overfishing, 42 are overfished, and 52 are on the rebuilt list. NOAA Fisheries, "Fishery Stock Status Updates," https://www.fisheries.noaa.gov/national/population-assessments/fishery-stock-status-updates (hereinafter NOAA Fisheries, "Fishery Stock Status Updates").

[101] NOAA Fisheries, *Status of Stocks 2023*, 2024. As of December 31, 2025, 49 stocks were listed by NMFS as undergoing rebuilding, including 10 that were no longer overfished. NOAA Fisheries, *National Marine Fisheries Service – 4th Quarter 2025 Update*, December 31, 2025, pp. 1-49, https://www.fisheries.noaa.gov/s3/2026-02/FINAL-Q4-2025-Stock-Status-Tables.pdf; and NOAA Fisheries, "Fishery Stock Status Updates."

[102] 16 U.S.C. §1801(a)(9); NOAA, NMFS, "Laws & Policies: Magnuson-Stevens Act," https://www.fisheries.noaa.gov/topic/laws-policies/magnuson-stevens-act.

[103] 16 U.S.C. §§1801(a)(6) and 1855(b).

[104] 50 C.F.R. §600.815(a)(1)(i).

[105] 16 U.S.C. §1853(a)(7).

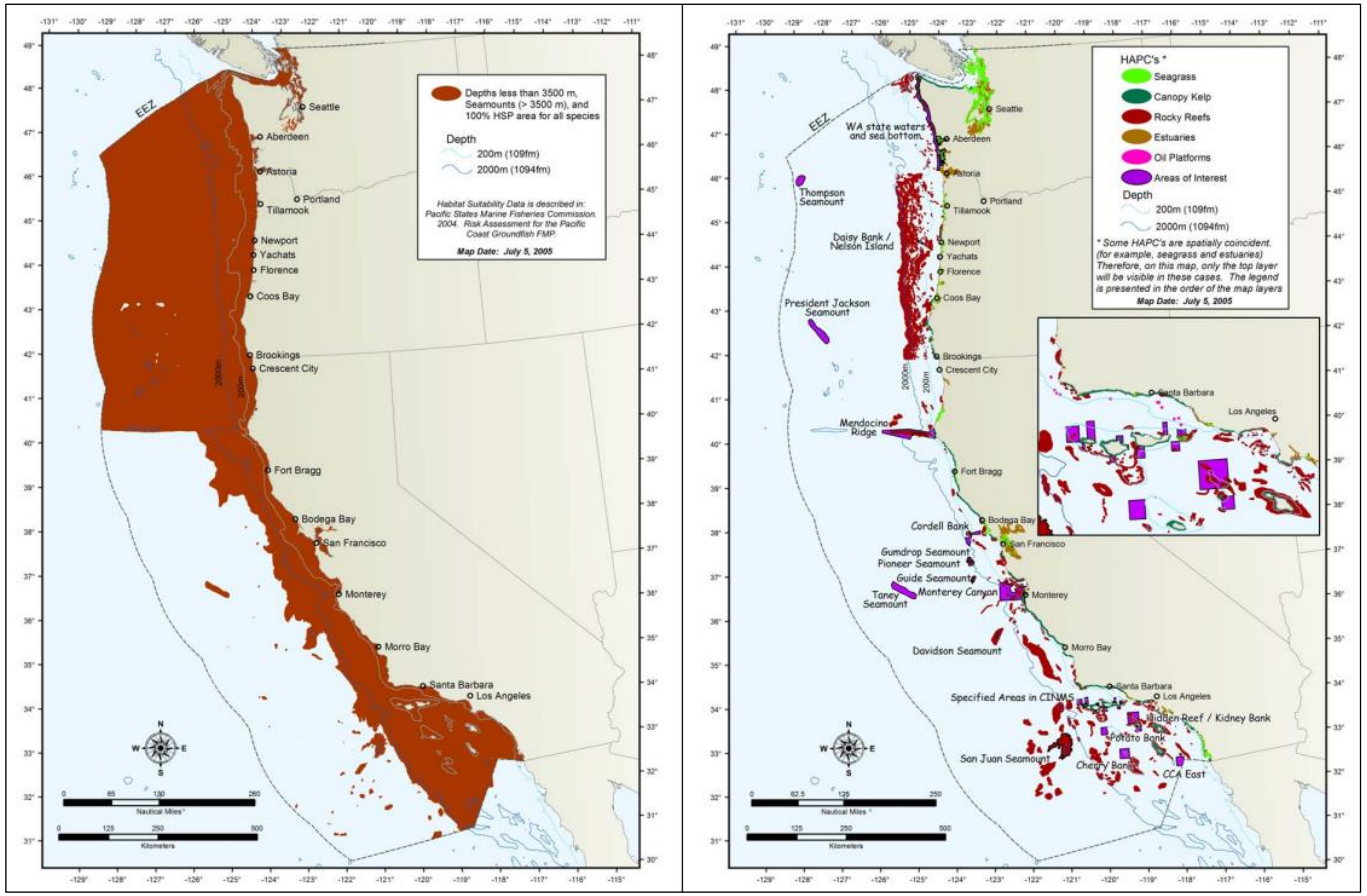
[106] 16 U.S.C. §1855(b)(1)(B).

[107] 16 U.S.C. §1855(b)(1)(B).

[108] 50 C.F.R. §600.815(a)(10).

**Figure 2. Identified Essential Fish Habitat and Designated Habitat Areas of Particular Concern for Pacific Coast Groundfish**

(identified essential fish habitat [left panel] and designated habitat areas of particular concern [right panel])




**Sources:** Pacific Fishery Management Council, *Amendment 28 (Groundfish Essential Fish Habitat, Rockfish Conservation Area Modifications, and Magnuson-Stevens Act Discretionary Closures) to the Pacific Coast Groundfish Fishery Management Plan for the California, Oregon, and Washington Groundfish Fishery*, 2020, https://www.pcouncil.org/actions/amendment-28-pacific-coast-groundfish-essential-fish-habitat-rockfish-conservation-area-modifications-and-magnuson-act-discretionary-closures/; Pacific Fishery Management Council, *Amendment 19 (Essential Fish Habitat) to the Pacific Coast Groundfish Fishery Management Plan for the California, Oregon, and Washington Groundfish Fishery*, 2005, https://www.pcouncil.org/documents/2005/11/groundfish-fmp-amendments-18-19-language.pdf/.

MSA additionally mandates responsibilities for federal agencies regarding EFH. Each federal agency is required to consult with the Secretary on any action taken by that agency that may adversely affect any identified EFH.[109] Each FMC may comment on and make recommendations to the Secretary and any federal or state agency regarding that activity.[110] Each FMC is required to comment on and make recommendations to these parties regarding any activity that is likely to substantially affect the habitat of an anadromous fishery resource (i.e., Atlantic salmon, NEFMC; Pacific salmon, PFMC, NPFMC) under its authority.[111] The Secretary is to recommend measures to the particular agency to conserve that habitat,[112] and the agency is to respond with a description of proposed measures for avoiding, mitigating, or offsetting the impact of the activity on that habitat, or an explanation of its reasoning for not following the Secretary's recommendations.[113]

FMCs also are authorized to designate habitat areas of particular concern (HAPCs; **Figure 2**), which are a subset of EFH that are especially vulnerable to degradation and represent high-priority conservation and management areas.[114] HAPCs do not include additional restrictions or protections beyond those of EFH but focus increased management attention on specific locations compared with surrounding areas. FMCs may identify and designate HAPCs based on at least one of the following four considerations:[115]

> (i) The importance of the ecological function provided by the habitat.
>
> (ii) The extent to which the habitat is sensitive to human-induced environmental degradation.
>
> (iii) Whether, and to what extent, development activities are, or will be, stressing the habitat type.
>
> (iv) The rarity of the habitat type.

FMCs have designated HAPCs throughout all eight FMC regional jurisdictions. Examples include PFMC-specified locations for Pacific groundfish (**Figure 2**) and SAFMC designations of specific sites that include corals and coral reefs.[116] For example, in 2009, the SAFMC designated 60,000 square kilometers throughout its jurisdiction as deep sea coral HAPC to reduce trawling impacts in the area.[117] Furthermore, FMCs may designate habitat protection zones in areas where deep sea corals have been identified by NOAA, its Deep Sea Coral Research and Technology Program, and/or a given FMC to ensure their protection from fishing gear.[118] In 2016, for example, NOAA and the MAFMC designated the Frank R. Lautenberg Deep-Sea Coral

[109] 16 U.S.C. §1855(b)(2).

[110] 16 U.S.C. §1855(b)(3).

[111] 16 U.S.C. §1855(b)(3)(B). 16 U.S.C. §1802 defines *anadromous species* as "species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters."

[112] 16 U.S.C. §1855(b)(4).

[113] 16 U.S.C. §1855(b)(4).

[114] NMFS, NOAA, "Magnuson-Stevens Act Provisions; Essential Fish Habitat (EFH)," 67 *Federal Register* 2343, January 17, 2002.

[115] NOAA, NMFS, "Magnuson-Stevens Act Provisions; Essential Fish Habitat (EFH)," 67 *Federal Register* 2379, January 17, 2002.

[116] SAFMC, *Comprehensive Amendment Addressing Essential Fish Habitat in Fishery Management Plans of the South Atlantic Region: Amendment 4 to the Coral, Coral Reefs, and Live/Hard Bottom Habitat Fishery Management Plan*, October 1998, https://safmc.net/documents/comprehensive-efh-amendment/.

[117] SAFMC, *Comprehensive Ecosystem-Based Amendment 1 for the South Atlantic Region*, October 2009, https://safmc.net/documents/comprehensive-ecosystem-based-amendment-1/.

[118] 16 U.S.C. §1853(b)(2).

Protection Area to protect deep sea corals in Mid-Atlantic federal waters beyond 450 meters in depth.[119] The use of any bottom tending gear within this area is prohibited at all times.[120]

## Balance of Authorities Between the Secretary and the Fishery Management Councils in Specific Circumstances

The Secretary, primarily through NOAA, works with FMCs in overseeing other elements of the fisheries management enterprise. Under statute, the Secretary may have final authority over some FMC actions. For example, for any fishery that extends beyond the geographical area of a given FMC, the Secretary has the authority to designate which FMC is responsible for preparing the FMP (and any amendment) for that fishery or may require its joint preparation by multiple FMCs.[121] The Secretary also is required to establish the boundaries between geographical areas of authority between adjacent FMCs.[122] In addition, the Secretary is required to consult with the appropriate officials of an FMC that may be affected by a proposed designation of a national marine sanctuary and to allow that FMC to prepare draft fishing regulations to implement within a proposed sanctuary designation.[123] The Secretary is responsible for creating and maintaining a central registry system for all limited access system permits and for promulgating their associated regulations following consultations with FMCs.[124]

In other parts of MSA, the Secretary may proceed with particular fisheries management actions with a given FMC's consultation or approval. For example, MSA explicitly notes that the Secretary may not establish a limited access system in a secretarially prepared FMP unless that system is first approved by a majority of the voting members of the applicable FMC.[125] Additionally, the Secretary is to submit any Secretary-prepared FMP or amendment for a fishery managed by a given FMC for consideration and comment by that FMC and the public.[126] Although the Secretary has direct jurisdiction over the management of Atlantic highly migratory species,[127] including development of their FMPs and amendments, MSA requires the Secretary to consult with FMCs affected by any FMP, amendment, or regulation.[128] Finally, to repeal or revoke the FMP for any fishery under its authority, the FMC is to first approve that action by three-quarters majority of FMC voting members before the Secretary may repeal or revoke the FMP.[129] For example, the GFMC repealed its FMP for the stone crab fishery of the then-named Gulf of

[119] NOAA, "Fisheries of the Northeastern United States; Omnibus Deep-Sea Coral Amendment," 86 *Federal Register* 33553, June 25, 2021.

[120] *Amendment 16 to the MAFMC Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan* states that "bottom-tending gear includes but is not limited to bottom-tending otter trawls, bottom-tending beam trawls, hydraulic dredges, non-hydraulic dredges, bottom-tending seines, bottom longlines, pots and traps, and sink or anchored gillnets." MAFMC, *Amendment 16 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. Measures to Protect Deep Sea Corals from Impacts of Fishing Gear. Environmental Assessment, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis*, August 2016, https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5d8ce2d40675282db89b3628/1569514218680/2016_MSB-Am16ea.pdf.

[121] 16 U.S.C. §1854(f).

[122] 16 U.S.C. §1854(f)(2).

[123] 16 U.S.C. §§1433(b)(2)(D) and 1434(a)(5).

[124] 16 U.S.C. §1855(h).

[125] 16 U.S.C. §1854(c)(3).

[126] 16 U.S.C. §1854(c)(4).

[127] MSA, under 16 U.S.C. §1802(21), defines *highly migratory species* as "tuna species, marlin (*Tetrapturus* spp. and *Makaira* spp.), oceanic sharks, sailfishes (*Istiophorus* spp.), and swordfish (*Xiphias gladius*)."

[128] 16 U.S.C. §1854(g)(1)(A).

[129] 16 U.S.C. §1854(h).

Mexico in 2010, after which NMFS repealed the FMP and removed its implementing regulations in 2011.[130]

In certain cases, the Secretary and the FMCs also work together on advisory fishery negotiation panels (FNPs) to assist in the development of specific conservation and management measures for a fishery.[131] FNPs may be established for specific purposes, such as assisting an FMC with specific fisheries under its authority, finding consensus among interests on a contentious issue, providing additional support in developing a rebuilding plan, or for other reasons.[132] The results and recommendations from the FNP are advisory in nature, with no obligation by the Secretary or a given FMC to use any or all of them.[133]

# Recent Science and Management Priorities for Regional Fishery Management Councils

FMC science and management priorities continue to broaden through enhanced consideration of environmental, socioeconomic, and intergovernmental factors. FMC and CCC meetings have focused on topics such as climate governance and scenario planning, international management strategies, area-based management and protections, greater understanding of EFH, and enhancements to recreational fisheries management and data collection.[134] Additionally, the incorporation of environmental justice considerations into FMC management actions has been a recurring priority.[135] FMCs have expressed their desire for greater engagement on aquaculture-related issues and fishery impacts on threatened and endangered species.[136] Furthermore, the WPRFMC and its stakeholders have raised concerns about the effects of national marine sanctuary designations and MNM expansions on Western Pacific fisheries and fishing communities.[137] Additional information regarding FMCs' commentary on MNMs, and considerations for Congress, is included in the section "Marine National Monuments."

[130] NOAA, "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Stone Crab Fishery of the Gulf of Mexico; Removal of Regulations," 76 *Federal Register* 139, July 20, 2011; NOAA, "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Stone Crab Fishery of the Gulf of Mexico; Removal of Regulations," 76 *Federal Register* 185, September 23, 2011.

[131] 16 U.S.C. §1855(g). A *fishery negotiation panel* (FNP) is defined in 50 C.F.R. §600.750 as "an advisory committee established by one or more Councils or the Secretary in accordance with these regulations to assist in the development of fishery conservation and management measures."

[132] 50 C.F.R. §600.751.

[133] 16 U.S.C. §1855(g)(3).

[134] U.S. Regional Fishery Management Councils, "Council Coordination Committee," http://www.fisherycouncils.org/ccc-meetings (hereinafter U.S. Regional Fishery Management Councils, "Council Coordination Committee").

[135] The CCC Environmental Justice Working Group leads these efforts. U.S. Regional Fishery Management Councils, "Council Coordination Committee."

[136] CCC, *Regional Fishery Management Council Positions on Magnuson-Stevens Act Reauthorization Issues*, May 31, 2022, https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/632b17d89c9d5012369763d1/1663768546263/220531_CCC_MSA_Reauth_Working_Paper_final.pdf (hereinafter, CCC, *Regional Fishery Management Council Positions*); CCC, *Meeting Report: Council Coordination Committee—October 18-20, 2022, Washington, DC*, 2022, https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/63629064a664e84c59c0b206/1667403876592/October-2022-CCC-Meeting-Report.pdf (hereinafter, CCC, *Meeting Report*, October 2022).

[137] WPRFMC, "Press Release-President Trump Returns Fishing to U.S. Fishermen in the Pacific Islands," press release, April 18, 2025, https://www.wpcouncil.org/press-release-president-trump-returns-fishing-to-us-fishermen-in-the-pacific-islands-18-april-2025/; WPRFMC, "Press Release: Council Rebukes Proposal to Expand Marine National

(continued...)

## Consideration of Climate Change, Marine Ecosystems, and Other Ocean Uses

FMCs are addressing several emerging issues, including the following:

- Climate change—for example, FMCs, together with NOAA and state fishery management organizations, are conducting climate change scenario planning exercises to examine governance and management issues related to climate change and fish stock distributions.[138]
- Marine biodiversity—for example, FMCs serve on Regional Fishery Management Organization advisory councils or as commissioners,[139] and are interested in participating in international negotiations related to marine biodiversity in areas beyond national jurisdictions as an emerging priority.[140]
- Conservation areas—for example, the CCC Area-Based Management Subcommittee is carrying out investigations to accurately characterize conservation areas in the U.S. exclusive economic zone, with a final report and GIS data expected to be published by mid-2023.[141]
- Marine spatial planning—for example,[142] FMCs have established multiple special use or restricted zones in their areas of authority over time,[143] while the MAFMC and NEFMC are engaged in addressing the trade-offs of offshore wind development on their respective fisheries.[144]

Monument in Pacific," September 22, 2022, https://www.wpcouncil.org/press-release-council-rebukes-proposal-to-expand-marine-national-monument-in-pacific-22-september-2022/; Paula Dobbyn, "NOAA Rejects Wespac's Proposed Fishing Rule for Hawaii Marine Monument," *Honolulu Civil Beat*, February 24, 2023, https://www.civilbeat.org/2023/02/noaa-rejects-wespacs-proposed-fishing-rule-for-hawaii-marine-monument/.

[138] CCC, *Meeting Report*, October 2022.

[139] NMFS, NOAA, "Nominations for U.S. Commissioners to Regional Fisheries Management Organizations," 87 *Federal Register* 31525, May 24, 2022. NOAA defines a *regional fishery management organization* as "treaty-based bodies whose objective is to ensure the sustainable conservation and management of shared fish stocks and other living marine resources through international cooperation." NOAA, NMFS, "International and Regional Fisheries Management Organizations," https://www.fisheries.noaa.gov/international-affairs/international-and-regional-fisheries-management-organizations.

[140] CCC, *Meeting Report: Council Coordination Committee. May 17-19, 2022. Annapolis, Maryland*, 2022, https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/62911281c2642d6c015aef61/1653674625362/Final+May+2022+CCC+Meeting+Report.pdf (hereinafter, CCC, *Meeting Report*, May 2022).

[141] CCC, *Meeting Report*, May 2022.

[142] The International Oceanographic Commission defines *marine spatial planning* as "a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that are usually specified through a political process." Charles Ehler and Fanny Douvere, *Marine Spatial Planning: A Step-by-Step Approach Toward Ecosystem-Based Management*, Intergovernmental Oceanographic Commission and Man and the Biosphere Programme, IOC Manual and Guides no. 53, ICAM Dossier no. 6, Paris, 2009, https://repository.oceanbestpractices.org/handle/11329/459.

[143] U.S. Regional Fishery Management Councils, *U.S. Regional Fishery Management Councils: Decades of Knowledge and Experience in Coastal and Marine Spatial Planning*, 2011, https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/579147278419c2b0469d2162/1469138731491/MSP-Flier+v4.pdf. FMCs also recurrently mention spatial management approaches in their commentary on the intersections of fisheries management and marine national monuments. U.S. Regional Fishery Management Councils, "Marine National Monuments," https://www.fisherycouncils.org/marine-national-monuments (hereinafter U.S. Regional Fishery Management Councils, "Marine National Monuments").

[144] MAFMC and NEFMC, "Offshore Wind in the Northeast Region," https://www.mafmc.org/northeast-offshore-wind.

- Aquaculture—for example, FMCs have expressed their desire for greater involvement in the identification and assessment of aquaculture projects, including those associated with Aquaculture Opportunity Area implementation efforts,[145] and during the development of programmatic environmental impact statements.[146]

FMCs are also leading efforts to enhance engagements with the recreational fishing community through annual meetings and workshops. Topics of focus include improvements to data collection and the development of recreational harvest control rules framework actions for more stable approaches to recreational harvest limit setting,[147] concerns that have been raised by stakeholders and in legislation before Congress.[148] Additionally, FMCs have expressed their desire for greater involvement in Section 7 consultations of the Endangered Species Act (ESA),[149] with respect to fishery management activities that may affect threatened or endangered species.[150] During recent workshops, FMCs have also focused on scientific enhancements to management, including greater incorporation of ecosystem indicators into stock assessments, developing information to support management of interacting species in consideration of ecosystem-based fisheries management (EBFM),[151] and best approaches for assessing and developing fishing level recommendations in response to species distributional changes.[152] Stakeholders have raised these concerns, which have also been reflected in introduced legislation to amend MSA.[153]

## Incorporation of Ecosystem-Based Approaches into Management Actions

The 2006 amendments to MSA noted that "a number of [FMCs] have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided by this Act."[154] The amendments additionally mandated that NOAA, in consultation with the FMCs, complete a study on the state of the science to advance the concepts

[145] As established by Executive Order 13921, "Promoting American Seafood Competitiveness and Economic Growth," 2020; CCC, *Regional Fishery Management Council Positions*.

[146] CCC, *Regional Fishery Management Council Positions*.

[147] NMFS, NOAA, "Recreational Fisheries Update, Council Coordination Committee, May 18th, 2022," https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/62795c00b9d67f0b5d378d9c/1652120579132/G1_CCC+RecFish+Presentation+May+2022.pdf.

[148] Examples include the Modernizing Recreational Fisheries Management Act of 2018 (P.L. 115-405) and proposed legislation during the 117th Congress, including H.R. 59, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act.

[149] Section 7 of the Endangered Species Act corresponds to 16 U.S.C. §1536; CRS Report R46677, *The Endangered Species Act: Overview and Implementation*, by Pervaze A. Sheikh and Erin H. Ward.

[150] Marian Macpherson, "National Marine Fisheries Service Policy 01-117: Integration of Endangered Species Act Section 7 with Magnuson-Stevens Act Processes," NOAA, NMFS, September 2018, https://media.fisheries.noaa.gov/dam-migration/01-117.pdf; CCC, *Meeting Report*, October 2022; CCC, *Regional Fishery Management Council Positions*.

[151] The 2016 NOAA Fisheries Ecosystem-Based Fisheries Management (EBFM) Policy, and its 2024 revision, define EBFM as "a systematic approach to fisheries management in a geographically specified area that contributes to the resilience and sustainability of the ecosystem; recognizes the physical, biological, economic, and social interactions among the affected fishery-related components of the ecosystem, including humans; and seeks to optimize benefits among a diverse set of societal goals"; NOAA, NMFS Policy 01-120.

[152] U.S. Regional Fishery Management Councils, "Seventh National SCS Workshop (2022)," http://www.fisherycouncils.org/ssc-workshops/scs-7.

[153] For example, H.R. 4690, the Sustaining America's Fisheries for the Future Act of 2022.

[154] 16 U.S.C. §1801(a)(11).

and integration of ecosystem considerations in regional fisheries management.[155] That study recommended the expansion of fishery surveys, enhancements to stakeholder participation in FMC activities, evaluations of proposed management strategies through predictive modeling, and additional efforts to implement ecosystem approaches into FMC efforts.[156]

Since 2006, NMFS and FMCs have jointly implemented ecosystem management approaches (**Figure 3**).[157] Various levels of ecosystem management exist that build from traditional single species fisheries management of a particular stock to (1) an ecosystem approach to fisheries management (EAFM), accounting for environmental effects (i.e., climate, habitat, ecology) on an individual stock, to (2) ecosystem-based fisheries management (EBFM), accounting for environmental effects through a multispecies approach (i.e., on multiple fishes), and (3) ecosystem-based management (EBM) of the fisheries sector together with all other ocean-use sectors.[158] An EAFM may focus on the inclusion of ecosystem factors in analytical tools and other products (e.g., stock or ecosystem assessments) to enhance understanding of fishery dynamics for informing management decisions of a particular fishery.[159] EBFM may also apply these factors to a multispecies or system-level approach for managing total harvest, as related to total ecosystem production, for example.[160] In recognition of these factors, EBFM implementation plans are in effect for all FMC jurisdictions as of 2019.[161] However, some have argued that it may be impractical or unnecessary for management to implement all elements of EBFM, since no two fisheries or ecosystems are exactly alike.[162]

[155] 16 U.S.C. §1882(f).

[156] NOAA, NMFS, *Report to Congress: The State of Science to Support and Ecosystem Approach to Regional Fishery Management*, NOAA Technical Memorandum, NMFS-F/SPO-96, 2009, https://swfsc-publications.fisheries.noaa.gov/publications/CR/2009/2009Nat.pdf.

[157] For more information, see CRS In Focus IF12768, *Ecosystem-Based Fisheries Management*, by Anthony R. Marshak; Link and Marshak, *Ecosystem-Based Fisheries Management: Progress, Importance, and Impacts in the United States*.

[158] Link and Marshak, *Ecosystem-Based Fisheries Management: Progress, Importance, and Impacts in the United States*.

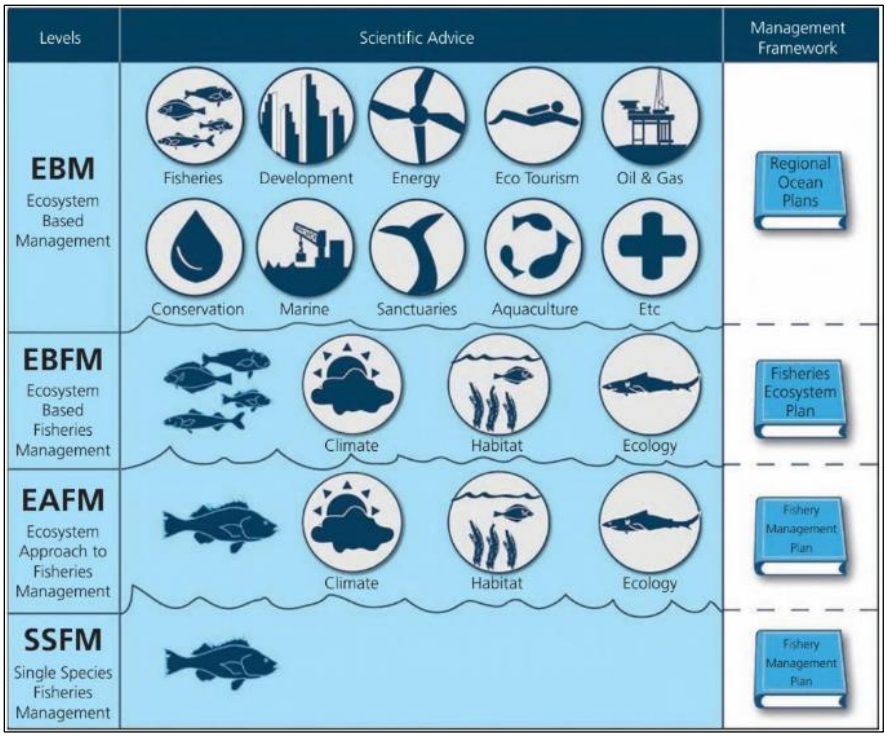
[159] Link and Marshak, *Ecosystem-Based Fisheries Management: Progress, Importance, and Impacts in the United States*.

[160] Link and Marshak, *Ecosystem-Based Fisheries Management: Progress, Importance, and Impacts in the United States*; Jason S. Link and Reg A. Watson, "Global Ecosystem Overfishing: Clear Delineation with Real Limits to Production," *Science Advances*, vol. 5, no. 6 (2019), eaav0474 (hereinafter Link and Watson, 2019).

[161] NOAA, NMFS, "Ecosystem-Based Fishery Management Implementation Plans," https://www.fisheries.noaa.gov/national/ecosystems/ecosystem-based-fishery-management-implementation-plans.

[162] John T. Trocha et al., "Ecosystem-Based Fisheries Management: Perception on Definitions, Implementations, and Aspirations," *PLOS One*, vol. 13, no. 1 (2018), e0190467.

**Figure 3. The Various Levels of Ecosystem Management**




**Source:** NOAA Fisheries; Jason S. Link and Anthony R. Marshak, *Ecosystem-Based Fisheries Management: Progress, Importance, and Impacts in the United States* (Oxford: Oxford University Press, 2021).

**Notes:** The figure illustrates the various levels of ecosystem management, particularly focused on the fisheries sector. It depicts management of that sector and the other sectors in a marine ecosystem, building from single species fisheries management (SSFM) to ecosystem-based management (EBM).

Some FMCs have developed, or are in the process of finalizing, fishery ecosystem plans (FEPs) for their respective geographic areas of authority.[163] As of April 6, 2026, the NPFMC, PFMC, WPRFMC, and SAFMC each have at least one FEP for geographies in their respective jurisdictions, with the WPRFMC managing its fisheries under five FEPs.[164] FEPs are intended to complement the existing fishery management framework included in MSA;[165] typically, they are fewer in number than the multiple FMPs managed by a given FMC. In 1999, the congressionally established Ecosystem Principles Advisory Panel (EPAP) identified FEPs as an important mechanism for implementing EBFM and provided recommendations to Congress about FEP

[163] NOAA defines a *fishery ecosystem plan* as "a metric to help fishery managers determine whether management effectively incorporates core ecosystem principles. Fishery ecosystem plans provide a clear description and understanding of the fundamental physical, biological, and human/institutional context of ecosystems within which fisheries are managed; direct how that information should be used in the context of fishery management plans; set policies that guide development and implementation of fishery management options." NOAA, NMFS, "Ecosystem-Based Fishery Management Implementation Plans—Fishery Ecosystem Plans," https://www.fisheries.noaa.gov/national/ecosystems/ecosystem-based-fishery-management-implementation-plans#fishery-ecosystem-plans.

[164] NOAA, NMFS, "Ecosystems: Fishery Ecosystem Plans," https://www.fisheries.noaa.gov/topic/ecosystems/fishery-ecosystem-plans.

[165] Erin B. Wilkinson and Karen Abrams, *Benchmarking the 1999 EPAP Recommendations with Existing Fishery Ecosystem Plans*, NOAA, NMFS, NOAA Technical Memorandum NMFS-OSF-5, November 2015, https://repository.library.noaa.gov/view/noaa/9065 (hereinafter Wilkinson and Abrams, 2015).

contents.[166] Example recommendations include incorporating assessments on ecosystem health and species habitat needs throughout their life histories into FEPs, and including examinations of ecological, human, and institutional effects on fisheries. MSA also authorized the Secretary to support regional pilot programs with FMCs to implement the EPAP recommendations into FEPs.[167] A number of regions are incorporating these recommendations into their FEPs to varying extents.[168]

Some FMC regions have developed ecosystem-level reference points to help inform management decisions and are developing preliminary calculations of system-wide or aggregate group harvest limits related to OY, ecosystem biomass and production, and food web structure.[169] For example, the NPFMC enacted a 2 million metric ton limit for all groundfish in the Bering Sea and Aleutian Islands Management Area,[170] which has been in effect for decades to achieve OY and is intended to preserve ecosystem function.[171] Multiple regions, particularly those managed by the MAFMC and NEFMC, also are developing approaches to manage at the aggregate level and to track changes in ecosystem-level resilience.[172] Scientists recently have developed indexes accounting for system-level harvest and inherent ecosystem productivity limits with the aim of preventing ecosystem overfishing in FMC jurisdictions.[173] Additionally, NOAA routinely produces regional ecosystem status reports (ESRs), which include information about the ecosystem dynamics in a given FMC region.[174] ESRs, which NOAA communicates to FMCs and their SSCs, are intended to assist these bodies with incorporating ecosystem-level considerations into their management efforts. Several FMC regions also are exploring the cumulative socioecological impacts that affect their fisheries ecosystems and are developing best practices to assess social and environmental trade-offs.[175]

Additional FMC efforts to incorporate ecosystem-level considerations into fisheries management include those for addressing and reducing fisheries bycatch within regions,[176] and through the development of specific plans for the management and conservation of forage fish, a key component of marine food webs.[177] H.R. 3718 in the 119th Congress proposed enhanced

[166] Ecosystem Principles Advisory Panel (EPAP), *Ecosystem-Based Fishery Management: A Report to Congress*, 1999, https://repository.library.noaa.gov/view/noaa/23730. The EPAP was established in 1996 under 16 U.S.C. §1882.

[167] 16 U.S.C. §1882(f)(2); Wilkinson and Abrams, 2015.

[168] Wilkinson and Abrams, 2015; Link and Marshak, *Ecosystem-Based Fisheries Management: Progress, Importance, and Impacts in the United States*.

[169] Link and Marshak, *Ecosystem-Based Fisheries Management: Progress, Importance, and Impacts in the United States.*

[170] P.L. 108-199, Division B, Title VIII, §803, January 23, 2004, 118 Stat. 110.

[171] NOAA, NMFS, "Ecosystem-Based Fisheries Management Strengthens Resilience to Climate Change," September 14, 2020, https://www.fisheries.noaa.gov/feature-story/ecosystem-based-fisheries-management-strengthens-resilience-climate-change.

[172] Link and Marshak, *Ecosystem-Based Fisheries Management: Progress, Importance, and Impacts in the United States.*

[173] Link and Watson, 2019.

[174] Ecosystem Status Reports are a product of the NOAA Integrated Ecosystem Assessments program; NOAA, "Ecosystem Status Reports," https://www.integratedecosystemassessment.noaa.gov/ecosystem-status-reports.

[175] Link and Marshak, *Ecosystem-Based Fisheries Management: Progress, Importance, and Impacts in the United States.*

[176] The National Bycatch Reduction Strategy, developed by NOAA in collaboration with partners, includes objectives and actions that guide NOAA Fisheries' efforts to reduce bycatch and bycatch mortality throughout its regions. NMFS, NOAA, *National Bycatch Reduction Strategy*, December 2016, https://repository.library.noaa.gov/view/noaa/17062.

[177] Examples include efforts by the CFMC, MAFMC, and PFMC. MAFMC, *Unmanaged Forage Omnibus Amendment*, (continued...)

consideration of these elements through greater inclusion of data that quantify bycatch and incorporate bycatch reduction advancements into FMC actions and measures. Furthermore, it would have required SSCs to develop multiyear research priorities for forage fish and maintain a sufficient abundance, diversity, and localized distribution of forage fish populations to support their role in marine ecosystems.[178] For example, these efforts could build on recent MAFMC efforts for butterfish, a species of forage fish.[179] Members of Congress also have introduced legislation to address the management of forage fish directly, such as H.R. 3714 in the 119th Congress, which would amend MSA to include specific directives to FMCs regarding forage fish management.[180] Additionally, H.R. 59 in the 117th Congress recommended that FMCs also consider changes to an ecosystem when developing ACLs. These considerations could strengthen the use of ecosystem factors in stock assessments and resulting ACLs that buffer for these environmental effects, such as those applied to Gulf of America groupers to account for red tide bloom effects on their populations.[181] Further, H.R. 8788 in the 118th Congress would have established an NMFS program whose mission would have included, among its requirements, creating and providing "tools, training, and support" to FMCs to manage changing ecosystems and their fisheries.

# Appropriations in Support of Fishery Management Councils

Congress typically appropriates funds to NMFS for various FMC-related activities, including for budget line items in support of operations and research efforts entitled "Regional Councils and Fisheries Commissions," "Fisheries and Ecosystem Science Programs and Services," and "Fisheries Data Collections, Surveys, and Assessments" under the "Fisheries Science and Management" (FSM) heading.[182] In FY2024 and FY2025, Congress appropriated a total of $411.6 million in support of these budget lines for each fiscal year.[183] NOAA originally requested approximately $457.0 million for these efforts in FY2024 and requested $422.1 million for

March 2017, https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5a0b49b053450ab00cbe4e46/1510689203283/20170613_Final%2BForage%2BEA_FONSI%2BSigned.pdf.

[178] Similar considerations also were included in H.R. 8862 (118th Congress) and H.R. 4690 (117th Congress).

[179] In 2015, the MAFMC refined the butterfish quota based on enhanced information about its seasonal habitat preferences and their effects on its distribution and probability of encounter in fishery abundance surveys throughout the year. As a result of incorporating this environmental information into the assessment process, the fishery was no longer listed as overfished, and the MAFMC increased its quota. Northeast Fisheries Science Center, NOAA, NMFS *58th Northeast Regional Stock Assessment Workshop (58th SAW). Assessment Summary Report*, March 2014, https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/53347ccce4b02c9d8fc8cfdf/1395948748692/Tab+03_SAW_SARC+Presentation.pdf; NOAA, "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures," 80 *Federal Register* 14870, March 20, 2015.

[180] Similar considerations also were included in H.R. 9821 (118th Congress) and H.R. 5770/S. 1484 (117th Congress).

[181] GFMC, "Gulf of Mexico Fishery Management Council Ecosystem Activities. Council Member Ongoing Development Workshop," 2022, https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/636977aaf551a92f57539799/1667856298193/CMOD+2022+-+GMFMC+Resources.pdf.

[182] For example, see Explanatory Statement Submitted by Mr. Cole, Chair of the House Committee on Appropriations, Regarding H.R. 6938, Commerce, Justice, Science; Energy and Water Development; and Interior and Environment Appropriations Act, 2026, *Congressional Record*, vol. 172, no. 5—Book II (January 8, 2026), p. H257.

[183] For FY2024, see *Consolidated Appropriations Act, 2024*, Legislative Text, *Congressional Record*, vol. 170, no. 39 (March 5, 2024), pp. S1132-S1134; Joint Explanatory Statement Submitted by Mrs. Murray, Chair of the Senate Committee on Appropriations, Regarding H.R. 4366, Consolidated Appropriations Act, 2024, *Congressional Record*, vol. 170, no. 39 (March 5, 2024), p. S1401. For FY2025, see P.L. 118-83, P.L. 118-158, and P.L. 119-4.

FY2025.[184] In FY2026, Congress appropriated a total of $420.6 million for these efforts; NOAA originally requested $371.4 million for FY2026.[185] Additional line items under the FSM heading also may inform and/or intersect with FMC activities.

Furthermore, under MSA, the Secretary is to maintain a "Fisheries Conservation and Management Fund" to disburse funds for efforts related to the improvement of commercial and recreational fishery harvest data collection, cooperative fishery research and analysis, technological advancements, analyses of fish and seafood for health benefits and risks, the marketing of sustainable fishery products, and the provision of direct assistance to fishers to offset any mandated gear modifications or fishing practices.[186] Every two years, the Secretary allocates available funds from the fund among FMC regions according to FMC recommendations and based on their regional priorities.[187] FMCs may also designate certain amounts for inclusion in the fund.[188]

Some FMCs are also supported by FMC-specific funds that are codified in MSA.[189] Congress also has restricted FMCs or the Secretary from using appropriated funds to develop certain FMPs, amendments, or regulations that are associated with quotas, permits, or licenses for particular fisheries (e.g., red snapper).[190]

# Issues for Congress

Congress may consider whether refinements to MSA and FMC funding levels may be warranted. Congress also may consider whether to mandate particular requirements for FMCs, including the extent to which their management approaches consider environmental and economic trade-offs. U.S. fisheries continue to respond to environmental stressors, such as overfishing, habitat degradation, climate change, eutrophication, and increasing storm intensity, with anticipated effects to their sustainability.[191] FMC management actions account for the effects of these stressors on fishery populations and are broadening into complementary approaches that also consider their ecological consequences to marine ecosystems and socioeconomic impacts to fishing communities.[192] Many of these emergent management priorities and approaches have been in development since the last set of amendments to MSA, including FMCs' concerns regarding fisheries prohibitions and restrictions in MNMs.[193] Therefore, Congress may consider whether to

[184] NOAA, *Budget Estimates, Fiscal Year 2024*, Congressional Submission, April 2023, Control Table-2, https://www.noaa.gov/sites/default/files/2023-04/NOAA_FY24_CJ.pdf; NOAA, *Budget Estimates, Fiscal Year 2025*, Congressional Submission, March 2024, Control Table-2, https://www.noaa.gov/sites/default/files/2024-03/NOAA_FY25_Congressional_Justification.pdf.

[185] P.L. 119-74; Explanatory Statement Submitted by Mr. Cole, Chair of the House Committee on Appropriations, Regarding H.R. 6938, Commerce, Justice, Science; Energy and Water Development; and Interior and Environment Appropriations Act, 2026, *Congressional Record*, vol. 172, no. 5—Book II (January 8, 2026), pp. H257-H258; and NOAA, *Budget Estimates, Fiscal Year 2026*, Congressional Submission, June 2025, Control Table-2, https://www.noaa.gov/sites/default/files/2025-06/NOAA%20FY26%20Congressional%20Justification.pdf.

[186] 16 U.S.C. §1891b.

[187] 16 U.S.C. §1891b(d).

[188] 16 U.S.C. §1891b(c).

[189] 16 U.S.C. §1824(e)(7)-(8).

[190] 16 U.S.C. §1851 note; P.L. 104-208.

[191] Link and Marshak, *Ecosystem-Based Fisheries Management: Progress, Importance, and Impacts in the United States.*

[192] Link and Marshak, *Ecosystem-Based Fisheries Management: Progress, Importance, and Impacts in the United States.*

[193] U.S. Regional Fishery Management Councils, "Marine National Monuments."

codify management approaches, considerations, flexibilities, and precautionary measures being undertaken by FMCs and NOAA, or alternative approaches. These topics will be considered below.

## Amending the Magnuson-Stevens Act

Members of Congress have introduced legislation to amend MSA in the last several Congresses. For example, in the 117th Congress, two bills (H.R. 59, H.R. 4690, both as reported by committee) proposed amending MSA regarding the composition, functioning, and roles and responsibilities of FMCs as related to multiple subject areas. **Table 1** lists subject areas in each bill that directly reference the FMCs.

**Table 1. Subject Areas in H.R. 59 and H.R. 4690 (117th Congress) That Would Have Amended MSA and Regional Fishery Management Council Activities**

| Subject Area (in alphabetical order) | H.R. 59 | H.R. 4690 |
|---|---|---|
| Annual Catch Limits | X | X |
| Bycatch | — | X |
| Catch Shares and Limited Access Privilege Programs | X | X |
| Climate Change and Emerging Fisheries | — | X |
| Cooperative Research and Management | X | X |
| Council Composition, Functions, Programs, and Engagements with NOAA | X | X |
| Electronic Technologies | X | X |
| Essential Fish Habitat | — | X |
| Forage Fish | — | X |
| Northeast Regional Pilot Research Trawl Survey and Study | X | X |
| North Pacific and Arctic Fisheries | X | — |
| Permits | X | X |
| Preventing Overfishing and Rebuilding Fish Stocks | X | X |
| Recreational Data Improvements | X | X |
| Transparency in Council Procedures | X | X |

**Sources:** CRS, from H.R. 59, 117th Congress; and H.R. 4690, 117th Congress.

**Notes:** MSA = Magnuson-Stevens Fishery Conservation and Management Act (MSA; P.L. 94-265, as amended); NOAA = National Oceanic and Atmospheric Administration. For each subject area, an "X" indicates that it was included in a bill, and an em dash (—) indicates that it was not included.

In the 117th Congress, H.R. 59 and H.R. 4690 overlapped in terms of multiple topics applicable to FMCs and their functioning, including enhancements to fisheries science and data, refinements to the regularity of stock assessments, revisions for rebuilding overfished stocks, and emphasis on fishing communities. Both bills also referenced subsistence fishing communities, beyond the current primary focus on commercial and recreational sectors, and included language for ensuring the transparency of FMC activities.

Each bill had a different scope. For example, H.R. 59 in the 117th Congress primarily would have addressed fisheries management through enhanced management flexibilities, including, for example, refinements to red snapper management through enhanced consideration of recreational

fishing activities, among other topics. H.R. 4690 in the 117th Congress would have revised FMC composition, and included greater tribal and Indigenous representation on the NPFMC and WPRFMC and additional requirements for FMC member expertise, among other changes. However, although the bills contained multiple topics in common, provisions on some topics differed between the measures.

More recently, H.R. 3718, introduced in the 119th Congress, would make broad changes to MSA in similar ways. Further, similar bills were introduced in earlier Congresses.[194] Still other bills introduced in the 117th Congress (S. 2150 and S. 907) and in the 115th Congress (H.R. 4726 and S. 2264) would have made other changes to MSA and its corresponding requirements for FMCs.

The CCC and other stakeholders often issue statements and working papers on proposed amendments to MSA and submit comment letters on related bills to Members of Congress. For example, in May 2022, the CCC published a revised working paper on MSA issues encompassing the cumulative positions of the eight FMCs.[195] FMC members are also occasionally invited to provide testimony during congressional hearings and at events related to the subject of MSA. As of 2022, FMC priorities for MSA included addressing issues related to stock rebuilding, climate change, data limitations on commercial and recreational fisheries, and enhancements to cooperative research with the fishing industry. FMCs also recommended an increased frequency of stock assessments to reduce uncertainty when setting ACLs, additional resources for stock surveys, and NOAA's development of a comprehensive plan and schedule to address stock assessment needs on a national basis. Additionally, the CCC communicated its opposition to any prescriptive requirements regarding the incorporation of particular data sources into stock assessments and deferred to existing legal requirements (e.g., Information Quality Act; P.L. 106-554) for considering and evaluating nongovernmental data for inclusion in assessments. Additional CCC priorities included fishery management issues related to ending overfishing, ensuring flexibility in administering catch-share programs, considering multi-FMC approaches to managing range-shifting species, and ensuring flexibilities in defining and consulting on EFH.[196]

FMCs have expressed support for modifications to MSA that are national in scope with "reasonable flexibility" to address region-specific issues.[197] FMCs also have communicated concerns about amended language that may address only region-specific issues or the possibility that focusing on a given region could negatively affect operations in other regions. Furthermore, the councils have recommended that any legislation be flexible enough to achieve conservation objectives, be focused on intended outcomes, and consider how additional mandates (including any analytical requirements) would place further pressure on the FMCs in meeting MSA requirements. FMCs have expressed a desire for legislation to avoid limiting FMC and NOAA flexibility to respond to changing climates and shifting ecosystems and to ensure both parties have the resources to respond to any legislative provisions. FMCs stated that among their highest priorities when considering any modifications to MSA were the preservation and enhancement of stock assessments and fisheries surveys.

Additional stakeholders from fishing and seafood-related industries have expressed opinions on proposed amendments to MSA.[198] For example, some in the fishing industry have supported legislative language to address climate change effects on fisheries, improve recreational fisheries

[194] H.R. 8862 (118th Congress) and H.R. 4690 (117th Congress).

[195] CCC, *Regional Fishery Management Council Positions*.

[196] CCC, *Regional Fishery Management Council Positions*.

[197] CCC, *Regional Fishery Management Council Positions*.

[198] Examples include the Seafood Harvesters of America, the Marine Fish Conservation Network, the Alaska Longline Fishermen's Association, the Pacific Coast Federation of Fisherman's Associations, and others.

data collection, and enhance the use of electronic technologies in fisheries management by both FMCs and NOAA, as included in recent bills.[199] Other interest groups likewise have supported efforts to address the impacts of climate change on domestic fisheries and to incorporate climate change concerns and refined approaches to addressing bycatch into management.[200] Other stakeholders have promoted conservation protections and stock rebuilding efforts through MSA.[201] Alternatively, regional fishing industry groups and angler communities have raised concerns about the economic effects of conservation and stock rebuilding efforts and the impacts of forage fish protections on nationally important species.[202] Furthermore, some stakeholders from commercial and recreational fishing communities have raised concerns about the economic effects of stricter bycatch provisions and EFH regulations in proposed bills.[203]

If Congress continues its consideration of MSA, it may address these priorities and approaches expressed by FMCs and NOAA. In particular, Congress may consider whether to codify these FMC approaches and may determine appropriate funding for their execution. Congress also may consider feedback from additional stakeholders, such as fishing industry representatives or environmental groups, regarding fisheries management priorities and FMC actions, and whether amended approaches may be warranted. Congress's considerations also may be informed by recent litigation regarding FMC compositions and particular management actions.[204] Further, Congress may conduct oversight of the current authorities and management approaches and may determine any relevant appropriations.

## Science and Management Priorities for Regional Fishery Management Councils

Congress may consider emerging FMC and CCC scientific and management priorities, including those for EBFM. Congress may address FMC-communicated priorities or potentially leave discretion for supporting or discontinuing these efforts to NOAA and FMCs under current mandates. Congress could consider FMC and NOAA EBFM needs, codify ecosystem-based approaches to management, and consider appropriate funding for their related efforts, among other options. For example, H.R. 8788 (in the 118th Congress) would have established programs for NMFS to provide assessments and guidance to FMCs with respect to some of these factors. Further, among its contents, S. 3658 (in the 119th Congress) would amend MSA to include directives pertaining to NMFS and FMCs regarding fishery species with shifting distributions. Alternatively, Congress may decide to support present fisheries management approaches codified in MSA and under recent appropriations and to retain the status quo. Many FMC focus areas align

[199] Seafood Harvesters of America, "Seafood Harvesters of America Statement on Magnuson Stevens Act Reauthorization Bill Introduction," https://www.seafoodharvesters.org/blog/seafood-harvesters-of-america-statement-on-magnuson-stevens-act-reauthorization-bill-introduction.

[200] National Fisherman Staff, "Magnuson-Stevens Changes Move Through House Committee," *National Fisherman*, September 29, 2022, https://www.nationalfisherman.com/national-international/magnuson-stevens-changes-move-through-house-committee.

[201] Letter from Tim Sloane, Program Director of the Pacific Coast Federation of Fishermen's Associations, May 27, 2015, https://conservefish.org/wordpress/wp-content/uploads/letters/Pacific-Coast-Federation-of-Fishermens-Associations-May-27.PDF.

[202] Kirk Moore, "Magnuson-Stevens Reauthorization Steams on amid Partisan Shoals," *National Fisherman*, September 22, 2022, https://www.nationalfisherman.com/national-international/magnuson-stevens-reauthorization-steams-on-amid-partisan-shoals (hereinafter Moore, *National Fisherman*, 2022).

[203] Moore, *National Fisherman*, 2022.

[204] Pamela King, "Court Finds Gulf of Mexico Fishery Council Appointments Unconstitutional," *E&E News PM*, March 27, 2026; and Nate Raymond, "U.S. Fishery Management Council's Structure is Unconstitutional, Court Rules," Reuters, September 25, 2024.

with priorities for amending MSA that have been expressed by FMCs and in proposed legislation, including for fisheries management in response to climate change, commercial and recreational data needs, and in addressing overfishing, bycatch, and refinements to limited access privilege programs.[205] Congress may consider whether amendments to MSA may be warranted in light of these priorities, and may provide oversight of FMCs' fisheries management approaches. Congress also may consider assertions from some stakeholders that FMCs should include broader perspectives when formulating their science and management priorities.[206]

## Marine National Monuments

Congress could consider FMC concerns regarding the President's use of the Antiquities Act of 1906 to include restrictions or prohibitions on fishing in proclaimed MNMs.[207] FMCs issued a resolution in May 2016 emphasizing that fisheries management decisions should be made in accordance with provisions in MSA and its "public, transparent, science-based process."[208] Further, since the issuance of this 2016 resolution, the CCC has sent recurrent letters to Presidents and the Secretaries of Commerce and the Interior regarding the FMCs' positions on these matters.[209] Additionally, in April 2025, President Trump issued E.O. 14276, "Restoring American Seafood Competitiveness," which among its contents directed the Secretary of Commerce (Secretary), in consultation with the Secretary of the Interior, to review the five MNMs and provide recommendations to the President regarding the opening of any to commercial fishing.[210] These directives also aligned with an April 2025 presidential proclamation (PP 10918) to prevent the Secretary from prohibiting commercial fishing within 50-200 nautical miles of the Pacific Islands Heritage MNM's landward boundaries.[211] More recently, in February 2026, President Trump issued PP 11009 directing the removal of commercial fishing restrictions in the Northeast Canyons and Seamounts MNM.[212] Congress also may consider if and how provisions of presidential proclamations under the Antiquities Act regarding fisheries management in MNMs align or conflict with authorities of the Secretary and FMCs regarding fisheries and/or living marine resources (e.g., MSA or the Marine Mammal Protection Act).[213]

[205] CCC, *Regional Fishery Management Council Positions*.

[206] Sangeeta Mangubhai et al., "Impacts of Diverse Stakeholder Participation on Fisheries Management," *Coastal Management*, vol. 54, no. 1 (2026), pp. 28-41; and Robert Murphy, Jr. et al., "Guiding Principles for Integrating Stakeholder-Based Data into Marine Fisheries Decision-Making with a Focus on USA Fisheries Management," *Fish and Fisheries*, vol. 23, no. 4 (2022), pp. 1000-1008.

[207] 54 U.S.C. §§320301-320303; U.S. Regional Fishery Management Councils, "Marine National Monuments." For further information about the Antiquities Act of 1906 and its applications to national monuments, see CRS Report R41330, *National Monuments and the Antiquities Act*, by Carol Hardy Vincent.

[208] CCC, *Outcomes Statement and Recommendations: Marine National Monuments*, St. Thomas, U.S. Virgin Islands, May 24-26, 2016; and U.S. Regional Fishery Management Councils, "Marine National Monuments."

[209] U.S. Regional Fishery Management Councils, "Marine National Monuments."

[210] Executive Order 14276, "Restoring American Seafood Competitiveness," 2025. For more information, see CRS In Focus IF13017, *President Trump's April 2025 Executive Order on American Seafood Competitiveness: Considerations for U.S. Fisheries*, by Anthony R. Marshak.

[211] Executive Office of the President, "Unleashing American Commercial Fishing in the Pacific," Proclamation 10918 of April 17, 2025, 90 *Federal Register* 16987-16989, April 22, 2025. For more information, see CRS In Focus IF13090, *The Pacific Islands Heritage Marine National Monument: Commercial Fishing Interests and Considerations for Congress*, by Anthony R. Marshak.

[212] Executive Office of the President, "Unleashing American Commercial Fishing in the Atlantic," Proclamation 11009 of February 6, 2026, 91 *Federal Register* 6489-6491, February 11, 2026.

[213] 16 U.S.C. §§1361-1423h, 1801-1891d.

FMCs and some other stakeholders assert that primary fishery management authorities in MSA may be effective for limiting overfishing and that activities such as potential commercial fishing in MNMs already are regulated by federal laws.[214] Other stakeholders raise concerns about the vulnerability to commercial fishing practices of species protected by the MNMs.[215] Congress may assess whether to retain, enhance, or lessen commercial fishing protections or restrictions within MNMs. Relatedly, Congress may consider how directives in PP 10918 and PP 11009 may align with MSA provisions, such as achieving OY while preventing overfishing and regarding protection of EFH.[216] Congress also may consider how future ocean conditions may affect MNM resources, including potential compounding effects from fishing, and if refinements to management prescriptions beyond those in MSA are warranted. Broader considerations may include whether executive authorities for addressing and altering commercial fishing in MNMs align with Congress's intent when it established the current fisheries management process under MSA, and the role of FMCs with respect to these issues.[217]

## Funding to Fishery Management Councils

Congress could consider what level of funding to provide for continued incorporation of ecosystem considerations into FMC management actions. Alternatively, Congress could allow NOAA and FMCs to allocate appropriated funds to support these efforts. Further, Congress could assess the extent to which continued support of ecosystem-based approaches is warranted. Congress may also opt to retain discretion for the Secretary for particular funding priorities as part of the Fisheries Conservation and Management Fund, for example, or to FMCs through FMC-specific funding agreements (e.g., Western Pacific Sustainable Fisheries Fund). Similarly, Congress could allow NOAA in consultation with the FMCs to continue determining how best to apply funds in support of cooperative research with the fishing industry toward these efforts.[218]

As marine ecosystems and their fisheries continue to respond to environmental and human-associated stressors,[219] some interested parties have raised concerns about funding to support federal science and management related to these stressors. Some organizations have stated that additional funds are needed to ensure fisheries science and management can expand to address data gaps that may arise due to offshore wind development and other stressors.[220] In addition, representatives from the fishing industry have advocated for additional funding for fisheries science and management in response to climate change.[221] Alternatively, the Trump

[214] U.S. Regional Fishery Management Councils, "Marine National Monuments;" and Daniel Cusick, "Expanded Commercial Fishing Eyed in Pacific Marine Monuments," *E&E News Greenwire*, August 14, 2025.

[215] Jennifer Yachnin and Daniel Cusick, "Commercial Fishing Could Expand to More Marine Monuments," *E&E News Greenwire*, April 18, 2025.

[216] 16 U.S.C. §§1851(a)(1), 1855(b).

[217] Marcel Honoré, "Future of Commercial Fishing in Protected Pacific Waters in Courts' Hands," *Honolulu Civil Beat*, August 20, 2025; and Nathan Strout, "WPRFMC Continues Push to Restore Commercial Fishing Access in Marine Monuments," *Seafood Source*, December 24, 2025.

[218] 16 U.S.C. §1867(c).

[219] Elena Gissi et al., "A Review of the Combined Effects of Climate Change and Other Local Human Stressors on the Marine Environment," *Science of the Total Environment*, vol. 755, no. 10 (February 2021), 142564.

[220] Kirk Moore, "Offshore Wind Requires Funding Boost for NOAA Surveys, Science Centers, Advocates Say," *National Fisherman*, March 17, 2023, https://www.nationalfisherman.com/national-international/offshore-wind-requires-funding-boost-for-noaa-surveys-science-centers-advocates-say.

[221] Dave Monti, "Fishing Report: Now's the Time to Fund NOAA's Climate-Change Battle," *Providence Journal*, June 3, 2022, https://www.providencejournal.com/story/sports/outdoors/2022/06/03/ri-fishing-report-its-time-fund-noaa-battle-against-climate-change/7484302001/.

Administration and some Members of Congress have proposed decreases to NMFS's budget in recent years, with some asserting that cuts are warranted given other U.S. priorities.[222]

At times, Congress has included directives to NMFS that align with FMCs' climate-related priorities for fisheries management. For example, as part of its FY2023 appropriations explanatory statement, Congress encouraged NMFS to "adapt its fishery management practices to the reality of the changing climate and to deliver the climate informed advice needed for effective marine resource management in rapidly changing oceans,"[223] which may have implications for future FMC requirements. In the FY2023 appropriations explanatory statement, Congress also directed NMFS to report about options "for States to exchange or trade quota through FMCs as fish stocks expand and shift due to climate change" and to make recommendations for "improved coordination and transparent decision-making among [FMCs], including in cases where stocks have shifted into waters off states that currently are not party to the relevant [FMC]."[224] More recently, the Senate Committee on Appropriations emphasized the role that FMCs, together with other regional managers, play in sustaining "a balanced ecosystem and healthy fish populations," among other factors, when directing funding for FY2025 and FY2026 appropriations.[225] Congress may consider these and other perspectives when determining future funding amounts for fisheries management priorities.

Other fisheries stakeholders have expressed dissatisfaction with current management approaches and identified a need to continue focusing on and funding efforts related to stock rebuilding and EFH as mandated in MSA.[226] In response to surveys about ecosystem approaches to management, which began in 2006, the majority of stakeholders from several regions stated that ecosystem-based approaches would be beneficial to fisheries and fishing communities.[227] However, 30%-40% of respondents also perceived that ecosystem-based approaches would be too complex and costly as a management system.[228] Additionally, some stakeholders considered elements of ecosystem approaches to management, such as managing prey species so that predators or marine mammals have sufficient prey, as being less important than other fisheries management priorities.[229] Congress may evaluate funding and the resources necessary to support enhancements to fisheries science and management approaches in consideration of these additional concerns.

[222] NOAA, *Budget Estimates Fiscal Year 2026*, Congressional Submission, June 2025, pp. Control Table-8; and Nathan Strout, "U.S. House Committee Proposes 22 Percent Cut to NOAA Fisheries Budget in 2025," *Seafood Source*, July 19, 2024.

[223] Joint Explanatory Statement Submitted by Mr. Leahy, Chair of the Senate Committee on Appropriations, Regarding H.R. 2617, Consolidated Appropriations Act, 2023, *Congressional Record*, daily edition, vol. 168, no. 198 (December 20, 2022), pp. S7908-S7910 (hereinafter Joint Explanatory Statement, Consolidated Appropriations Act, 2023, *Congressional Record*).

[224] Joint Explanatory Statement, Consolidated Appropriations Act, 2023, *Congressional Record*.

[225] U.S. Congress, Senate Appropriations Committee, *Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill, 2025*, 118th Cong., 2nd sess., July 25, 2024, S.Rept. 118-198, pp. 52-53; and U.S. Congress, Senate Appropriations Committee, *Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill, 2026*, 119th Cong., 1st sess., July 25, 2024, S.Rept. 119-44, p. 52. Similar sentiments also were included in the committee's recommendations for FY2024 in S.Rept. 118-62.

[226] Ayeisha A. Brinson and Kristy Wallmo, "Stakeholder Attitudes Toward Ecosystem-Based Fisheries Management," *Marine Fisheries Review*, vol. 77, no. 3 (December 2015), pp. 17-30 (hereinafter Brinson and Wallmo, 2015).

[227] Brinson and Wallmo, 2015.

[228] Brinson and Wallmo, 2015.

[229] Brinson and Wallmo, 2015.

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